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ABSTRACT

The focus of these hearings was on the annual consultation between Congress and the Administration (required by the Refugee Act of 1980) on the number of persons to be admitted as political refugees in the upcoming year. Testimony by the Attorney General and by representatives of the Department of State, the Immigration and Naturalization Service, and the Office of Refugee Resettlement presented the Administration's rationale for its 1984 figures. Also presented were short descriptions of the government's efforts in resettlement, both overseas and domestic. Correspondence among the President, members of Congress, and Federal officials recommending refugee admission for FY 1984 is appended. (CMG)

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ANNUAL REFUGEE CONSULTATION

ED245054

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

OF THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

OVERSIGHT HEARING TO REVIEW THE PROGRESS OF THIS YEAR'S REFUGEE RESETTLEMENT PROGRAM, FOCUSING ON THE CONSULTATION PROCESS IN PROVIDING ASYLUM TO PERSONS FLEEING POLITICAL PERSECUTION

SEPTEMBER 26, 1983

Serial No. J-98-69

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CONTENTS

STATEMENTS OF MEMBERS

	Page
Simpson, Hon. Alan K., a U.S. Senator from the State of Wyoming, chairman, Subcommittee on Immigration and Refugee Policy	1
Kennedy, Hon. Edward M., a U.S. Senator from the State of Massachusetts	19

CHRONOLOGICAL LIST OF WITNESSES

Hatfield, Hon. Mark, a U.S. Senator from the State of Oregon	2
Smith, Hon. William French, Attorney General of the United States	12
Derwinski, Hon. Edward J., counselor, U.S. Department of State	20
Douglas, Hon. H. Eugene, U.S. Coordinator for Refugees	39
Purcell, James, Director, Bureau of Refugee Programs, Department of State	53
Nelson, Hon. Alan, Commissioner, Immigration and Naturalization Service	60
Hawkes, Phillip N., Director, Office of Refugee Resettlement, Department of Health and Human Services	66

ALPHABETICAL LISTING AND MATERIALS SUBMITTED

Derwinski, Hon. Edward J.:	
Testimony	20
Prepared statement	23
Douglas, Hon. H. Eugene:	
Testimony	39
Prepared statement	42
Hatfield, Hon. Mark:	
Testimony	2
Prepared statement	6
Hawkes, Phillip N.:	
Testimony	66
Prepared statement	68
Nelson, Hon. Alan:	
Testimony	60
Prepared statement	62
Purcell, James: Testimony	53
Smith, Hon. William French: Testimony	12

APPENDIX

CORRESPONDENCE RECOMMENDING REFUGEE ADMISSION FOR FISCAL YEAR 1984

Letters from:	
Hon. H. Eugene Douglas, U.S. Coordinator for Refugee Affairs to Senator Simpson, September 16, 1983	79
Senators Thurmond, Simpson, Biden, and Kennedy, to the President of the United States, September 28, 1983	83
Kenneth M. Duberstein, Assistant to the President, to Hon. Alan K. Simpson, October 12, 1983	85
Hon. H. Eugene Douglas, Ambassador-at-large, to Hon. Alan K. Simpson, October 12, 1983	86
President Ronald Reagan, President of the United States, to Hon. H. Eugene Douglas, October 7, 1983	87
Hon. Edward M. Kennedy, to the President of the United States, October 7, 1983	89

Page

Representatives Rodino, Lungren, and Mazzoli to the President of the United States, September 23, 1983 90
Hon. Romano L. Mazzoli, to the President of the United States, September 27, 1983 91
Hon. Hamilton Fish, Jr., to the President of the United States, September 28, 1983 92

ANNUAL REFUGEE CONSULTATION

MONDAY, SEPTEMBER 26, 1983

U.S. SENATE,
SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:04 a.m., in room 226, Dirksen Senate Office Building, Hon. Alan K. Simpson (chairman of the subcommittee) presiding.

Present: Senators Thurmond and Grassley.

Staff present: Richard Day, chief counsel; Jerry Tinker, minority counsel; Elizabeth Greenwood, counsel; Arnold Leibowitz, special counsel; Carl Hampe, research assistant; Tina Jones, research assistant.

OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING, CHAIRMAN, SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

Senator SIMPSON. We have our refugee consultation here. Certainly in a very real sense, the United States demonstrates its commitment to freedom and the inherent dignity of the individual through a most generous refugee program providing a haven to those people who are singled out for persecution by their own governments. The traditional generosity of the American people, I think, is richly illustrated by the leadership role this Nation has assumed, both in the resettlement in the United States of victims of persecution, and certainly by providing humanitarian assistance for refugees throughout the world.

As chairman of this Subcommittee on Immigration and Refugee Policy, I want to reaffirm that commitment to assist those refugees who are of special humanitarian concern to the United States.

But obviously, we cannot accept for permanent resettlement all of those persons fleeing from governments whose standards of freedom do not match our own. But we can and should continue to do our fair share in addressing the plight of the world's refugees. And I think we can most effectively render assistance by providing care and maintenance funds, and services to countries of first asylum until the refugees can return to their homes, and by directing our foreign policy initiatives to both address and avoid the root causes of refugee situations.

So, I mention briefly those foreign policy initiatives to highlight the importance of the State Department in our refugee program. That importance is reflected in the proportion of the State Depart-

ment budget, an average of more than 18 percent of the total over the past 3 years, devoted to refugee programs.

All of that refugee assistance is channeled through the State Department. And they're responsible for the initial reception and placement of all refugees resettled. No one plays a greater part in it, and yet the State Department does not participate in this fully as they should, in my mind.

In my 3 years here, the Secretary of State has not had the opportunity to participate in the annual consultations. That concerns me. I think it is unwarranted. That is not a reflection upon the Secretary of State personally, I assure you, because he is one of the most extraordinary of the public figures here; but I think it is a criticism, obviously, of his staff in recommending what he should do in the participation when you have a budget of 18 percent directed to refugees and do not turn the attention to it that I think is fully warranted.

And all of this despite the fact that the legislation simply requires cabinet level representatives of the President. I am aware that the consultations are often scheduled in conflict in the latter part of September with the U.N. General Assembly in New York. That does occur.

The Secretary and I have discussed it, and he personally realizes the deep importance of the State Department's involvement. But this personal involvement in these consultations is extremely important in my view, and it's my intention to schedule that consultation in early September, of next year, in order to insure that the Secretary of State will be here to participate.

Let me hasten to add that the President's representative who has participated in all of these consultations, Attorney General William French Smith, is particularly welcome, and also especially important to these proceedings. No one could have assisted me more in this administration in refugee and immigration issues. The Justice Department—through the INS—is involved in the admission of each and every refugee resettled in the United States. Your participation, Mr. Attorney General, as always, is deeply appreciated, and I only hope and trust that you will continue to actively participate in these consultations.

Well, with that tidy little sweeping, our first witness is Mark Hatfield, the senior Senator from Oregon, and a fine friend, a most thoughtful, persuasive, and respected man. And I say this with certainly concurrence of many of my peers and his. An exceedingly effective Senator from Oregon who has followed these refugee issues very closely, particularly in his own State, and particularly in regard to Southeast Asian refugees, and you have indeed paid vital attention to that. I know you have recently returned from East Asia, Mark, and I look forward to your testimony this morning.

If you would please proceed. Thank you.

STATEMENT OF HON. MARK HATFIELD, A U.S. SENATOR FROM THE STATE OF OREGON

Senator HATFIELD. Thank you, Mr. Chairman.

First of all, I wish to thank you for this opportunity to come before you and I would ask that my full statement be placed in the record, as I will attempt to highlight it.

I know that whenever important issues are brought before this committee that those issues are always given very competent and fair treatment.

As you know, a great deal of my time and that of many others has been expended addressing the refugee problem in Southeast Asia. Through the efforts of many people, the culmination of that effort was in the National Security Decision Directive 93, as well as in the subsequently issued guidelines now in effect in Southeast Asia.

And I would like to take this occasion to publicly express my deep appreciation to Attorney General William French Smith, to Commissioner Nelson, to Ambassador Douglas, and to Mr. Purcell, because I believe they can stand proudly in light of the new guidelines, a product representing the culmination of many people's efforts and much discussion. They can now stand with great pride for what they have produced.

Mr. Chairman, our entire exercise during the past 7 months is, I believe, a shining example of how this government can identify a problem and how it can solve a problem.

IMPORTANCE OF CONSULTATION PROCESS

I have never been more pleased with the state or our processing efforts in Southeast Asia than at this very moment. Permit me to underscore, though, what other witnesses at this hearing will later state on the importance of the consultation process, and I am delighted to hear your own comments relating to it.

I wholeheartedly support the consultation process because I believe it is through this deliberative process that we can balance foreign policy interests and domestic interests, humanitarian interests with resource limitations, and out of all this we can forge a humane, rational refugee policy that reflects these delicately struck balances.

It is through the consultation process that the United States can examine its long held commitment to providing hope and support for the millions of unfortunate human beings in this world who have been swept into flight by political persecution.

Mr. Chairman, as you probably know better than anyone else in the Senate, there is no political advantage whatsoever that can be gained from advocating a continuation of traditionally generous refugee and or immigration policies. You have been on that firing line.

We hear so often that compassion fatigue has set in across this land and that we need to slam shut the door of entrance to the United States. Irresponsible reporting and irresponsible politicians together have blurred the distinctions between persons seeking asylum and persons fleeing distressed economic conditions and persons seeking to come to the United States to be reunited with their families.

When the important fundamental distinctions between these groups are lost in the haze of demagoguery, the compelling reasons

for why the United States accepts an identified number of human beings as refugees is lost as well.

In 1983, the United States will accept for resettlement approximately 60,000 refugees. This compares with the 1983 admission levels of 420,000 for legal immigrants and at least 600,000 for illegal immigrants.

In other words, Mr. Chairman, of the approximately 1.1 million individuals entering the United States in 1983, only about 5 percent of those entering will enter as refugees.

And who makes up that 60,000? These 60,000 are persons from all over the world who are fleeing certain suffering and quite often, certain death; whether from the Far East, the Middle East, Asia or Africa, these human beings who are seeking asylum have one unifying trait. They're afraid for their lives, and in many instances they have good reason to be afraid for their lives.

This consultation process focuses on the appropriate U.S. level in providing asylum to persons fleeing political persecution. There is no magic formula, and there is no way to quantify humanitarianism and balance it with the competing interests inherent in immigration and refugee policy decisionmaking.

I do not pretend to have the magic number that will represent the perfect balance. However, without hesitation, I will state that the United States role in providing hope for those fleeing tyranny, in providing assistance to the countries of first asylum who bear the immediate brunt of refugee migration, and in providing shelter for our appropriate share for the refugee population, must not decline.

This does not mean that the United States should admit every one fleeing war or the threat of war. It means simply that refugee policy must not be the whipping boy for our country's inability to control illegal immigration. And it means that if we abandon our responsibility to uphold freedom by providing hope to those who are not free, then we have failed history and we have failed ourselves.

DANGER OF REDUCTION IN ADMISSION

Mr. Chairman, permit me to make three specific observations. First, the administration proposal to set the refugee ceiling at 72,000 is a continuation of the annual reductions that have occurred since the consultation process first began. Last year, the ceiling was 90,000, and we admitted about 60,000. Most of this shortfall was due to our performance in Southeast Asia where only 37,000 of the 64,000 ceiling were admitted. What can the international community expect to be the actual number admitted in 1984? If the ceiling is set at 72,000, will the actual admission be, say, 48,000?

Now, speaking from my experience on the Southeast Asian politics and on my familiarity with the Royal Thai Government, we can expect drastic involuntary repatriation efforts if our commitment to refugees in the region is perceived as wavering. The new guidance and representations by our Government officials concerning the residual population have kept the Thai military authorities in check despite our low 1983 departure rates. If we send a signal

to them that our commitment toward resettlement will diminish again in 1984, then I believe the predictable consequences of lost lives and strained relations with Thailand will occur. Already, the Thai Government is moving people out of the camps and back to the Cambodian border, and without a clear signal from Washington that we wish to maintain first asylum, more such movements can be expected.

Second, the administration has expressed its intention to drastically reduce the refugee ceiling number by 1986. In effect, the administration intends to have 2 years of processing at current levels and then to find some way to deal with the 100,000 plus residual population left in the camps. What about our promise that there would be no residual left in Thailand and Malaysia? For those who suggest that voluntary repatriation will be a viable alternative by 1986, I suggest to them that they are hopelessly naive in their understanding of Vietnam's intentions in Cambodia.

The border would not be packed with hundreds of thousands of starving Khmer citizens if Vietnam's presence in Cambodia were anything other than a colonization effort.

Finally, Mr. Chairman, let me share with my colleagues on the committee some observations from my recent trip to Bataan. Three days before I arrived in Bataan, Philippines, I was informed that a boatload of refugees from Vietnam had just landed on the shores of the Philippines after 51 days at sea with little food and without a compass.

I saw them. I visited with them. They were very lucky even though they were emaciated and were literally skin and bones, for many had died. They escaped the pirates and they escaped the rough seas. And they had arrived.

Now, there is no need to reiterate the reasons why these people, like tens of thousands before them, had fled Vietnam. But by establishing a sufficient ceiling in Indochina—and I believe, say, 50,000 is the very minimum we can establish—then the expected expansion of the orderly departure program hopefully will deter Vietnamese from risking their lives on the high seas, and instead, will motivate them to pursue the safer channels of ODP.

I want to thank the chairman again and this committee for its compassion and sensitivity in handling not only this particular issue, but the immigration bill that was so masterfully crafted by the chairman and handled and managed on the floor. It was, indeed, one of the highlights of my legislative experience here and I want to take this occasion to thank you personally again for that fine leadership.

Senator SIMPSON. Thank you, very much, Mark. You're very generous.

Your entire statement will be printed in the record.

[The material referred to follows:]

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PREPARED STATEMENT OF SENATOR MARK O. HATFIELD

MR. CHAIRMAN,

LET ME FIRST THANK YOU FOR THE OPPORTUNITY TO DISCUSS THE UNITED STATES' REFUGEE POLICY IN THE CONTEXT OF THE CONSULTATION HEARINGS NOW UNDERWAY. WHENEVER THERE IS AN IMPORTANT ISSUE WITHIN THE JURISDICTION OF YOUR COMMITTEE, MR. CHAIRMAN, I CAN REST EASY KNOWING THAT IT WILL BE DEALT WITH IN A COMPETENT AND FAIR MANNER.

AS YOU KNOW, A GREAT DEAL OF MY TIME THIS PAST YEAR HAS BEEN SPENT CONCENTRATING ON THIS COUNTRY'S REFUGEE POLICY, PARTICULARLY AS IT PERTAINS TO SOUTHEAST ASIA. MUCH OF THAT WORK CULMINATED IN NATIONAL SECURITY DECISION DIRECTIVE 93, AS WELL AS IN THE SUBSEQUENTLY ISSUED GUIDELINES NOW IN EFFECT IN SOUTHEAST ASIA. ATTORNEY GENERAL SMITH, COMMISSIONER NELSON, AMBASSADOR DOUGLAS, AND MR. PURCELL CAN STAND PROUDLY BY THEIR FORMIDABLE PRODUCT. OUR ENTIRE EXERCISE DURING THE PAST SEVEN MONTHS IS A SHINING EXAMPLE OF HOW GOVERNMENT CAN IDENTIFY A PROBLEM AND SOLVE A PROBLEM. I HAVE NEVER BEEN MORE PLEASED WITH THE STATE OF OUR PROCESSING EFFORTS IN SOUTHEAST ASIA THAN AT THIS MOMENT.

MR. CHAIRMAN, PERMIT ME TO UNDERSCORE WHAT OTHER WITNESSES AT THIS HEARING WILL LATER STATE ON THE IMPORTANCE OF THE CONSULTATION PROCESS. I WHOLEHEARTEDLY SUPPORT THE CONSULTATION

PROCESS. IT IS THROUGH THIS DELIBERATIVE PROCESS THAT WE CAN BALANCE FOREIGN POLICY INTERESTS WITH DOMESTIC INTERESTS, HUMANITARIAN INTERESTS WITH RESOURCE LIMITATIONS, AND CAN FORGE A HUMANE, RATIONAL REFUGEE POLICY THAT REFLECTS THESE DELICATELY STRUCK BALANCES. IT IS THROUGH THE CONSULTATION PROCESS THAT THE UNITED STATES CAN REEXAMINE ITS LONG-HELD COMMITMENT TO PROVIDING HOPE AND SUPPORT FOR THE MILLIONS OF UNFORTUNATE HUMAN BEINGS IN THIS WORLD WHO HAVE BEEN SWEPT INTO FLIGHT BY POLITICAL PERSECUTION.

MR. CHAIRMAN, AS YOU KNOW PROBABLY BETTER THAN ANYONE ELSE IN THE SENATE, THERE IS NO POLITICAL ADVANTAGE WHATSOEVER TO BE GAINED FROM ADVOCATING A CONTINUATION OF TRADITIONALLY GENEROUS REFUGEE AND IMMIGRATION POLICIES. WE HEAR SO OFTEN THAT "COMPASSION FATIGUE" HAS SET IN ACROSS THIS LAND, AND THAT WE NEED TO SLAM SHUT THE DOOR OF ENTRANCE TO THE UNITED STATES.

IRRESPONSIBLE REPORTING AND IRRESPONSIBLE POLITICIANS HAVE BLURRED THE DISTINCTIONS BETWEEN PERSONS SEEKING ASYLUM, AND PERSONS FLEEING DISTRESSED ECONOMIC CONDITIONS, AND PERSONS SEEKING TO COME TO THE U.S. TO BE REUNITED WITH THEIR FAMILIES.

WHEN THE IMPORTANT, FUNDAMENTAL DISTINCTIONS BETWEEN THESE GROUPS ARE LOST IN THE HAZE OF DEMAGOGUERY, THE COMPELLING REASONS FOR WHY THE UNITED STATES ACCEPTS AN IDENTIFIED NUMBER OF HUMAN

BEINGS AS REFUGEES IS LOST AS WELL. IN 1983, THE UNITED STATES WILL ACCEPT FOR RESETTLEMENT APPROXIMATELY 60,000 REFUGEES. THIS COMPARES WITH THE 1983 ADMISSION LEVELS OF 420,000 FOR LEGAL IMMIGRANTS AND AT LEAST 600,000 FOR ILLEGAL IMMIGRANTS.

IN OTHER WORDS, MR. CHAIRMAN, OF THE APPROXIMATELY 1.1 MILLION INDIVIDUALS ENTERING THE UNITED STATES IN 1983, ONLY ABOUT FIVE PERCENT ARE ENTERING AS REFUGEES. AND WHO MAKES UP THIS 60,000? THESE 60,000 ARE PERSONS FROM ALL OVER THE WORLD WHO ARE FLEEING CERTAIN SUFFERING, AND QUITE OFTEN, CERTAIN DEATH. WHETHER FROM THE NEAR EAST OR THE MIDDLE EAST, AFRICA OR ASIA, THESE HUMAN BEINGS WHO ARE SEEKING ASYLUM HAVE ONE UNIFYING TRAIT: THEY ARE AFRAID FOR THEIR LIVES, AND THEY HAVE GOOD REASON TO BE AFRAID FOR THEIR LIVES.

THIS CONSULTATION PROCESS FOCUSES ON THE APPROPRIATE U.S. LEVEL IN PROVIDING ASYLUM TO PERSONS FLEEING POLITICAL PERSECUTION. THERE IS NO MAGIC FORMULA, AND THERE IS NO WAY TO QUANTIFY HUMANITARIANISM AND BALANCE IT WITH THE COMPETING INTERESTS INHERENT IN IMMIGRATION AND REFUGEE POLICY DECISION-MAKING. I DO NOT PRETEND TO HAVE THE MAGIC NUMBER THAT WILL REPRESENT THE "PERFECT BALANCE". HOWEVER, WITHOUT HESITATION I WILL STATE THAT THE UNITED STATES' ROLE IN PROVIDING HOPE FOR THOSE FLEEING TYRANNY, IN PROVIDING ASSISTANCE TO THE COUNTRIES OF FIRST ASYLUM

WHO BEAR THE IMMEDIATE BRUNT OF REFUGEE MIGRATION, AND IN PROVIDING SHELTER FOR OUR APPROPRIATE SHARE OF THE REFUGEE POPULATION, MUST NOT DECLINE.

THIS DOES NOT MEAN THAT THE UNITED STATES SHOULD ADMIT EVERYONE FLEEING WAR OR THE THREAT OF WAR. IT MEANS SIMPLY THAT REFUGEE POLICY MUST NOT BE THE "WHIPPING BOY" FOR OUR COUNTRY'S INABILITY TO CONTROL ILLEGAL IMMIGRATION. AND IT MEANS THAT IF WE ABANDON OUR RESPONSIBILITY TO UPHOLD FREEDOM BY PROVIDING HOPE TO THOSE WHO ARE NOT FREE, THEN WE HAVE FAILED HISTORY AND FAILED OURSELVES.

MR. CHAIRMAN, PERMIT ME TO MAKE THREE SPECIFIC OBSERVATIONS. FIRST, THE ADMINISTRATION PROPOSAL TO SET THE REFUGEE CEILING AT 72,000 IS A CONTINUATION OF THE ANNUAL REDUCTIONS THAT HAVE OCCURRED SINCE THE CONSULTATION PROCESS FIRST BEGAN. LAST YEAR THE CEILING WAS 90,000, AND WE ADMITTED ABOUT 60,000. MOST OF THIS SHORTFALL WAS DUE TO OUR PERFORMANCE IN SOUTHEAST ASIA WHERE ONLY 37,500 OF THE 64,000 CEILING WERE ADMITTED. WHAT CAN THE INTERNATIONAL COMMUNITY EXPECT TO BE THE ACTUAL NUMBER ADMITTED IN 1983 IF THE CEILING IS SET AT 72,000? 48,000?

MR. CHAIRMAN, SPEAKING FROM MY EXPERTISE ON SOUTHEAST ASIAN POLITICS AND ON MY FAMILIARITY WITH THE ROYAL THAI GOVERNMENT, WE

CAN EXPECT DRASTIC INVOLUNTARY REPATRIATION EFFORTS IF OUR COMMITMENT TO REFUGEES IN THE REGION IS PERCEIVED AS WAVERING. THE NEW GUIDANCE AND REPRESENTATIONS BY OUR GOVERNMENT OFFICIALS CONCERNING THE RESIDUAL POPULATION HAVE KEPT THE THAI MILITARY AUTHORITIES IN CHECK DESPITE OUR LOW 1983 DEPARTURE RATES. IF WE SEND A SIGNAL TO THEM THAT OUR COMMITMENT TOWARD RESETTLEMENT WILL DIMINISH AGAIN IN 1984, THEN THE PREDICTABLE CONSEQUENCE OF LOST LIVES AND STRAINED RELATIONS WITH THAILAND WILL OCCUR. ALREADY THE THAI GOVERNMENT IS MOVING PEOPLE OUT OF THE CAMPS AND BACK TO THE CAMBODIAN BORDER, AND WITHOUT A CLEAR SIGNAL FROM WASHINGTON THAT WE WISH TO MAINTAIN FIRST ASYLUM, MORE SUCH MOVEMENTS CAN BE EXPECTED.

SECOND, THE ADMINISTRATION HAS EXPRESSED ITS INTENTION TO DRASTICALLY REDUCE THE REFUGEE CEILING NUMBER IN 1985. IN EFFECT, THE ADMINISTRATION INTENDS TO HAVE TWO YEARS OF PROCESSING AT CURRENT LEVELS AND THEN TO FIND SOME WAY TO DEAL WITH THE 100,000-PLUS-RESIDUAL POPULATION LEFT IN THE CAMPS. WHAT ABOUT OUR PROMISES THAT THERE WOULD BE NO RESIDUAL LEFT IN THAILAND AND MALAYASIA? FOR THOSE WHO SUGGEST THAT VOLUNTARY REPATRIATION WILL BE A VIABLE ALTERNATIVE BY 1986, I SUGGEST TO THEM THAT THEY ARE HOPELESSLY NAIVE IN THEIR UNDERSTANDING OF VIETNAM'S INTENTIONS IN CAMBODIA. THE BORDER WOULD NOT BE PACKED

WITH HUNDREDS OF THOUSANDS OF STARVING KHMER CITIZENS IF VIETNAM'S PRESENCE IN CAMBODIA WERE ANYTHING OTHER THAN A COLONIALIZATION EFFORT.

FINALLY, MR. CHAIRMAN, LET ME SHARE WITH MY COLLEAGUES ON THE COMMITTEE SOME OBSERVATIONS FROM MY RECENT TRIP TO BATAAN IN THE PHILIPPINES. THREE DAYS BEFORE I ARRIVED, A BOATLOAD OF REFUGEES FROM VIETNAM, EMACIATED FROM 51 DAYS AT SEA WITH LITTLE FOOD AND WITHOUT EVEN A COMPASS, LANDED ON THE SHORES OF THE PHILIPPINES. THEY WERE VERY LUCKY. THEY DID NOT DIE ALONG THE WAY DUE TO PIRATE ATTACKS OR ROUGH SEAS. THERE IS NO NEED TO ITERATE THE REASONS WHY THESE PEOPLE, LIKE THE TENS OF THOUSANDS BEFORE THEM, FLED VIETNAM. BY ESTABLISHING A SUFFICIENT CEILING IN INDOCHINA -- AND I BELIEVE 50,000 IS THE VERY MINIMUM WE CAN ESTABLISH -- THEN THE EXPECTED EXPANSION OF THE ORDERLY DEPARTURE PROGRAM HOPEFULLY WILL DETER VIETNAMESE FROM RISKING THEIR LIVES ON THE HIGH SEAS AND INSTEAD WILL MOTIVATE THEM TO PURSUE THE SAFER CHANNELS OF ODP.

MR. CHAIRMAN, I AM PREPARED TO ANSWER ANY QUESTIONS THE MEMBERS OF THE COMMITTEE MAY HAVE.

Senator SIMPSON. Most satisfying to me was the way our colleagues followed the issue, understood the issue, and that cannot be done by one alone. You were very helpful in that educational process, and I deeply appreciate it.

I thank you very much for sharing your recent experience. Thank you very much.

Senator HATFIELD. Thank you very much.

Senator SIMPSON. And now, as our next witness, the Attorney General of the United States, and again, I say this with great sincerity, that of all the persons in this administration who have been involved in immigration and refugee matters, there has been no one who has been more deeply committed to the task and more extraordinarily generous with time and skill and talent than you, sir, and I'm deeply appreciative.

STATEMENT OF HON. WILLIAM FRENCH SMITH, ATTORNEY GENERAL OF THE UNITED STATES

Attorney General SMITH. Needless to say, Mr. Chairman, I reciprocate those remarks. I certainly want to repeat what Senator Hatfield has said, that what you have done in connection with this whole area has been outstanding, indeed, to the point where I think a good many are convinced that it could not have happened had it not been for your efforts.

Senator SIMPSON. Mr. Attorney General, may I just recognize the senior colleague, the chairman of the Judiciary Committee who has a very brief remark to make, if I may interrupt for that purpose. He has a series of other hearings this morning. Senator Thurmond.

The CHAIRMAN. Mr. Chairman, I'm in another meeting. I appreciate what you just said.

I just want to take this opportunity to welcome the distinguished Attorney General here. We thank you for your interest in this matter and we thank you for the good work you're doing as attorney general.

I'm sorry I have this conflict, but I'm sure you understand.

Attorney General SMITH. I do, indeed.

The CHAIRMAN. Thank you, Mr. Chairman.

Senator SIMPSON. You bet, Chairman Thurmond.

If you would please, Bill.

Attorney General SMITH. Mr. Chairman, I am pleased to appear before the committee today to discuss the administration's proposals for refugee admissions in fiscal year 1984. Let me begin by emphasizing the importance that the administration attaches to these annual consultations and to the need for realistic refugee ceilings.

I have appeared before this committee on two previous occasions to participate in the consultations mandated by the Refugee Act of 1980. Based on that experience, I am personally convinced of the value of these consultations, particularly as the act is still new and adminstering its provisions continues to be a learning process.

In that regard, I wish to express the gratitude of the President and the administration for the ongoing support and assistance of this committee in implementing the operational requirements of the act.

Today's hearing once more signals our joint commitment to thoughtful collaboration in carrying out a rational, humane, and realistic refugee policy and program for the Nation.

The world's refugee problem continues, and, as we are all aware, conflicts in and among nations continue to cause flight of refugees. Our refugee policy will not solve the root causes of this massive migration, only the establishment of justice and the institution of respect for human rights will.

But it is our responsibility, a responsibility we share with the rest of the world to treat the very painful symptoms while we assist in searching for a cure.

In the past year, I visited Asia and Europe to improve cooperation and understanding among drug trafficking and other mutual concerns, including the major causes of refugee movement and U.S. refugee policy.

This trip gave me the opportunity to see firsthand some of the problems and human suffering, and to evaluate our response to the difficult issues presented.

I would like now to state the policy framework that guides our program and the proposals for admissions we bring before you today.

First, resettlement to the United States or to other distant, third countries is a solution of last choice. Refugees leave their countries of nationality out of fear, rather than choice, and should be resettled in distant lands only when voluntary repatriation or resettlement in the region are not available options.

Second, the refugee problem is an international one, and the United States needs to seek international solutions. While recognizing the severe impact caused by refugee movements on economies weaker than our own, we continue to pursue efforts to expand the number of refugee receiving countries and their level of participation.

The administration is committed to a humane refugee policy designed to respond to crises of special concern to the United States. Nevertheless, the administration has also carefully considered the domestic resources available to resettle refugees and determining our proposed admission levels for fiscal year 1984.

The President is recommending the admission of up to 72,000 refugees for resettlement in the United States for fiscal year 1984. Foreign policy and humanitarian considerations have led us to propose that this number be divided among the appropriate geographic regions in the following manner: 3,000 refugees—Africa; 50,000 refugees—East Asia; 12,000 refugees—Soviet Union and Eastern Europe; 1,000 refugees—Latin America and the Caribbean; 6,000 refugees—Near East and South Asia.

I again wish to stress this year that the proposed refugee admission numbers are ceilings, not quotas. We propose to admit up to 72,000, but it is possible that the final number admitted for fiscal year 1984 may be less.

The underlying principle is that refugee admissions to the United States are a discretionary act by the United States for those who have no alternative. It is not the right of a refugee to be admitted to the United States simply because a program has authorized spaces available.

30-929 O—84——3

Under the President's proposal, refugees from Southeast Asia will again claim the largest share of potential admissions in 1984. Unfortunately, the continued repression accompanying the violent reorganization of the Indochinese societies still forces large numbers of persons to flee persecution, and more than 200,000 persons currently remain in refugee camps.

Moreover, Southeast Asian refugees are among the least accepted in countries of first asylum, due to the extreme ethnic and cultural animosities existing in the region. In contrast, the proportion of refugee admissions allotted to the countries of Latin America and Africa continue to reflect a positive circumstance—the hospitality and generosity with which neighboring countries accept and care for refugees.

Finally, Southeast Asian refugees have among the strongest ties to the United States of any refugee population. In addition to the proposed admissions, which my colleagues will discuss at greater length in their presentations, the Immigration and Naturalization Service projects that it will adjust to permanent resident status up to 5,000 persons who have been granted asylum in the United States.

As you know, we are currently facing a dramatic increase in the number of persons already in the United States seeking asylum. The most recent figures indicate that there are in excess of 170,000 asylum applications currently pending. It is generally conceded that an unfortunate number of these applications are made by illegal immigrants solely to delay their forced departure. One of the difficult questions to which we are seeking an answer is how to eliminate these abuses which jeopardize this Nation's traditional acceptance of those fleeing persecution.

Enactment of the Immigration Reform and Control Act of 1983, which already passed the Senate by an overwhelming bipartisan vote of 76 to 18 would assist us greatly to eliminate the present abuse of our asylum program, and more fundamentally to address the closely related problem of uncontrolled illegal immigration.

When I appeared before your committee last year, I stated that losing control of our borders has thrown a cloud over both legal immigration and refugee admissions. Your efforts, Mr. Chairman, and the efforts of the committee in successfully negotiating this important legislation through the Senate for the second time have advanced the cause of safeguarding our immigration tradition.

Under the able leadership of Chairman Rodino and Congressman Mazzoli, we have every expectation of similar House action during the first session of the 98th Congress.

Passage of that legislation would represent a giant stride in this Nation's renewed effort to reassert control over its borders.

Mr. Chairman, the admission of refugees under the Refugee Act of 1980 is an integral part of the immigration program of the United States. We depend in part on this program to demonstrate our leadership in the Free World. America is the land of immigration, and as a nation we have led the world in the search for humanitarian solutions to the problems of refugees. We should be proud of our efforts.

We in the executive branch continue to strive toward realism, consistency, fairness, and effective management in our refugee program.

To that end, we have accomplished much in this past year. Speaking for the Department of Justice, I am pleased to note that we have recently promulgated revised worldwide refugee guidelines to help insure that our decisions are consistent among themselves and with the law.

Others with me today will report more fully on the past year's activities and programs, as well as provide their more detailed analysis of the proposed refugee program for fiscal year 1984.

As you know, the implementation of the U.S. refugee program involves a coordinated effort by several executive departments, not only the Department of Justice.

The Department of State and the Department of Health and Human Services play a very large and important role in that effort.

Together, we are learning to administer the provisions of the Refugee Act of 1980 in an efficient and fair manner, consistent with both modern reality and our tradition as a nation of immigrants.

In conclusion I would like to express my gratitude and respect for the thoroughness, understanding, and cooperation this committee has demonstrated in fulfilling its responsibilities in this area.

Thank you for the privilege of consulting today on this vital issue.

Senator SIMPSON. Thank you very much.

You used the phrase that the abuse of the asylum adjudication system throws a cloud over the entire refugee program, and we, and you especially, and Senator Hatfield know—and his comments were threaded in there—we know that the support of the American public is essential if we're going to have a generous refugee policy.

And we have the problem of definition as a refugee and an illegal, undocumented alien or an undocumented worker. And the people of America don't make the distinction. Nor, even, the distinction of extended voluntary departure, and special entrant, and permanent resident alien. Those distinctions are all shaded.

How, then, can we best avoid damaging the public credibility of the U.S. refugee program when we see this abuse within the asylum system by so many doubtful applicants? I would love to have your views on that.

Attorney General SMITH. Well, there is no question that public support is essential, and you're absolutely correct that, generally speaking, the refugee program and the asylee program can be damaged by being associated, as I think it frequently is, with the overall problem of illegal immigration.

One way to do something about that is to, as I have indicated, pass the immigration program which this committee has recommended, and which has passed the Senate.

That provides for streamlining procedures for making asylee determinations. That is very badly needed. Even short of that legislation, we are making it a high priority item to handle the large

number of asylee claims which are now pending. As I mentioned, upward of 170,000.

Many of those, we know, are not appropriate asylum claims. They are filed by those who are here and want to delay their departure, as I indicated in my statement, through the device of the extended procedures involved in making asylee determinations.

We are going to streamline that process to the fullest extent we can administratively. However, the only effective way to do something about that problem is to pass the immigration program which contains the streamlined procedures which I mentioned.

Senator SIMPSON. It's been of interest to me in latter months that other governments in the world are revising their asylum procedures. The German Government is revising its asylum procedures. Other governments are turning their attention to that. That's most interesting because the same tremendous shifts are there when you consider the 170,000 that you indicate now of asylum applications, when we only had 4,000 in 1979.

Obviously, the systems are being gimmicked.

Well, during your factfinding mission to Asia, did the Thai Government express concern over the U.S. commitment to the resettlement of refugees in Thailand? Do you feel that the proposed Asia admission level of this proposal is an adequate U.S. response from what you were able to determine there?

Attorney General SMITH. The Thai Government did express concern at that time. One of the reasons for the trip, in addition to the drug problem, had to do with refugees. We visited the various refugee camps. One of the specific reasons was to review the procedures that were being utilized by our INS personnel in making determinations with respect to refugee status.

As a result of that visit, it was clear that, although the personnel there were doing a valiant job, more people were needed to accomplish what had to be done. And as a result of that, we greatly increased—as a matter of fact, we doubled the number of people who were involved in that process.

The Thai Government was very receptive to that enhancement. As a matter of fact, very grateful for it. And since that time, as you know, we have, pursuant to the national security directive that Senator Hatfield referred to, studied that overall problem in depth, and have now come up with some worldwide guidelines which will greatly facilitate that process, particularly in Southeast Asia.

The number that you mentioned, we think, is appropriate under current circumstances, not only because our procedures have been greatly improved, but also because the numbers coming across the border have happily declined somewhat. In addition, the orderly departure program now is becoming far more effective and is working quite efficiently. In addition to that, we have made a point—as has the Thai Government and others—to emphasize that this is an international problem. It is not a U.S. problem. And, therefore, we think that the emphasis, a strong emphasis should be placed on the fact that other countries should undertake to maintain their burden in this respect as has the United States, and there are indications that that has taken place.

Senator SIMPSON. Just one final question. While we are currently allowing this up to 5,000 asylum grantees a year to adjust to per-

manent status, our annual grants of asylum have far exceeded that number. I'd like your thoughts on whether this offer of asylum should always be permanent, or whether we should consider withdrawing the status for people from countries where the situation has improved enough to allow a safe return. That is the particular rationale we place on this curious designation of extended voluntary departure, that when conditions improve in the country, they will be returned, and that, I think, would be an excellent situation, if we knew who they were.

But since we do not, and there are literally hundreds of thousands of them, that puts a different touch to it. What are your thoughts about that, about the condition of asylum remaining a continually permanent situation?

Attorney General SMITH. As distinguished from the extended voluntary departure approach, the asylee approach, of course, is based upon a case-by-case determination and each case has to be decided on its own merits—on the basis of its own facts. I do not know of any situation where once the asylee status has been granted, or in particular, after permanent resident alien status has been granted, that that situation has been reversed based upon a change in circumstances in the originating country.

That has not been under consideration by INS, and, as I say, I do not know of any situation where that may have happened.

Senator SIMPSON. Well, I'm deeply appreciative of your participation, and I'll be very interested, and you might share some of the detailed reports that you might have circulated regarding your factfinding trip to Europe and Asia. I think those were very important, and I've read some of those materials.

Just quickly, I think the one that is of most interest to the subcommittee—another one that's most interesting, we have a lot plateful of things that are most interesting. Would you share with us your assessment of the situation in Pakistan, hosting nearly 3 million, now, Afghan refugees, perhaps the world's largest refugee population.

And then I will conclude my questions by that.

Attorney General SMITH. I believe that what is happening in Pakistan in the refugee area is really quite remarkable, and has not received the attention that it properly deserves.

I don't know of another situation where a refugee population approaching 3 million as you have indicated, along with their cattle, family, cats and dogs, and tents, have moved from one country into another country and have in effect been resettled there with as little difficulty as has existed with respect to the Afghans who have moved into Pakistan.

When I was there, I met with 200 or 300 of the tribal chieftains. And it was really quite a moving experience. They had left their homeland solely because of the fact it had been taken over by the Soviets. They are passionate about returning, and in fact it was an emotional experience because of the high degree of emotion which they exhibited in this respect.

There are two principal reasons why this phenomenon has taken place with such relatively little difficulty. I believe the first is that they have a common cultural background, that is, the Afghans and the Pakistans.

And the second is that they have this very strong desire to return to Afghanistan. Were that not the case, I think that the world would have a major problem with respect to refugees. However, by virtue of the fact that they all are intent on returning once the situation changes in Afghanistan, there are relatively few who are desirous of being resettled in third countries.

However, it is a situation which is certainly quite potentially volatile, but has remained remarkably stable under the circumstances. It's certainly an area which requires a great deal of attention and interest.

Senator SIMPSON. I thank you very much. Now, let me recognize another member of the subcommittee, Senator Chuck Grassley. No one has been more attentive on this subcommittee in the form of continuing hearings, and sitting through long hours of hearings, and also has been more determined in seeking reform. And for one that came into the issue in 1980, he certainly came up to full speed, and I am most appreciative.

Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman. Mr. Smith, I'm glad you're here. I'm sorry I missed your testimony. I didn't think I'd be able to come to this meeting at all, and I'm glad that my schedule worked out so that I could.

I have an interest regarding the number of Salvadorans we have in our country now.

Do we know about how many people have come and for what reasons they have come, and the extent to which if things become more peaceful there we could expect a large share to return, or hopefully all of them to return?

Attorney General SMITH. We really don't know what the numbers are. The estimate that is referred to most frequently is somewhere around 300,000.

That may be high. But as with illegal immigrants generally it's very difficult to tell.

With respect to how many might be able to claim asylum, be refugees from their country, that again would have to be determined on a case-by-case basis. Figures up to now indicate that that would be a very small number.

Overall, large numbers, of course, come up through Mexico, and to the extent that they would have come up through Mexico into the United States, that would certainly militate against asylee status, because it would indicate that the ultimate goal was a better life in the United States rather than escape from a well founded fear of persecution in El Salvador. Although as I say, that is a question which has to be decided and can only be decided on a case-by-case basis.

Senator GRASSLEY. Can you speculate for us whether or not we would expect the largest share of those 300,000 to go back to their country if the political situation were to become calmer, or do you think it would be a situation where they would only return under deportation.

Attorney General SMITH. That's very hard to answer. Probably the latter. But that's pure speculation.

Senator GRASSLEY. Thank you, Mr. Chairman.

Senator SIMPSON. Thank you very much, Mr. Attorney General. We deeply appreciate it in every way.

Attorney General SMITH. Thank you. Mr. Chairman.

Senator SIMPSON. Let me also express at this time that the ranking member of the subcommittee, Senator Kennedy, had every intention to be present this morning, and there were other considerations, and his statement will be entered in the record as if read in full and of course he has followed this issue for many, many years in this country, and serves as a source of great experience and of assistance to me in refugee matters in every sense.

[The material referred to follows:]

PREPARED STATEMENT OF SENATOR EDWARD M. KENNEDY

As so often in the past, we are meeting again in the shadow of a refugee crisis which is global in scope and tragic in its dimensions. Refugee problems afflict every region of the globe today and they present even greater challenges to our Nation's foreign policy and humanitarian assistance programs.

There seems to be no end in sight to the countless men, women, and children who continue to flee their homes and lands for all the reasons that lie behind the violence and conflict and persecution of our times. This past year the need for assistance and protection of refugees has grown substantially in many countries of first asylum, and there remain large numbers of refugees requiring third country resettlement.

Refugees must be of concern to the United States—not only because of our Nation's long and proud history in welcoming the homeless to our shores—but because refugees also pose critical international and foreign policy problems. We know from recent history that massive refugee movements can unbalance peace and stability in the world as much as any arms race or political or military confrontation.

We see this today in Central America, where the plight of refugees and displaced persons has largely been ignored, and where human rights abuses continue. There is an urgent need to provide emergency food and medical assistance to almost a million refugees and displaced persons throughout the region. As this week's staff report to the Subcommittee documents, if we allow these humanitarian problems to fester, they will only complicate—and perhaps undermine—efforts to achieve peace and stability in the region.

Particularly, in El Salvador, the plight of nearly half a million displaced persons cries out of action. In Honduras, 40,000 Salvadoran, Nicaraguan and Guatemalan refugees need continuing assistance and protection. And in Guatemala, increasing violence and military activity is producing a new flow of refugees.

The Administration has talked a great deal about the need for more military aid, but we have heard little about the escalating humanitarian crisis. It makes no sense to pour millions of dollars of military assistance to El Salvador if it cannot provide basic assistance and protection to its citizens displaced by the violence and conflict for which military aid is sought.

I hope the administration will not only follow through on the recommendations offered in the Subcommittee's report, and increase our humanitarian assistance program, I also hope we will finally indicate our willingness to admit some of the refugees from the region who need resettlement opportunities. The reduction of our program to only 1,000 refugees from throughout Latin America is, in my view, totally unacceptable. We will be ignoring the resettlement needs of many refugees.

We must be more responsive to the needs of Salvadoran refugees, including those who have sought safe-haven or asylum in the United States.

We must also be prepared to support international refugee programs elsewhere, particularly in Southeast Asia where our participation is essential to guaranteeing that refugees are given protection in the countries of first asylum.

I believe the Refugee Act of 1980 continues to provide us with a flexible and humane instrument for assisting refugees, and I want to indicate my willingness to actively work with Senator Simpson and with the Administration in admitting those refugees who are of special humanitarian concern to the United States. We can and must do more to support international efforts to assist and protect refugees.

Senator SIMPSON. So, now, we have the duo, dynamic duo from the Secretary of State's Office. We have Ed Derwinski, counselor of

the Department of State, and who served this country for over 20-some years as a Congressman from Illinois, and a very effective Member of the Department of State.

We have also Gene Douglas, who I've come to know, and appreciate the intensity and sincerity he brings to his task, the U.S. coordinator for refugees.

If you gentlemen would please come before the subcommittee.

Ed Derwinski, if you would wish to proceed, and it's nice to see you. We're pleased to have you here.

STATEMENT OF A PANEL CONSISTING OF HON. EDWARD J. DERWINSKI, COUNSELOR, U.S. DEPARTMENT OF STATE, ACCOMPANIED BY HON. R. EUGENE DOUGLAS, U.S. COORDINATOR FOR REFUGEES; AND JAMES PURCELL, DIRECTOR, BUREAU OF REFUGEE PROGRAMS, U.S. DEPARTMENT OF STATE

Mr. DERWINSKI. Thank you, Mr. Chairman.

I have a statement of approximately 20 pages which we submitted to the committee, and I would ask leave to insert that in the record. And I'll just touch on a few high spots and save your time, Mr. Chairman.

Senator SIMPSON. An excellent suggestion. I will accept it.

Mr. DERWINSKI. The Attorney General touched on the same subject matters, so in my summary I'll just avoid anything that smacks of a duplication.

If I may, I would like to point out, as you noted in your opening statement, that Ambassador Douglas has given this matter unusually dedicated attention, and a good part of our achievements are a direct result of his unusual persistence and dedication to the problem.

Also, I have Assistant Secretary Purcell and Assistant Secretary Abrams here in the event there are questions that develop for which their expertise could be helpful to the committee.

I think the main point to be made is that the practical rule we're following in formulating policy is that refugees be provided for in areas or regions near their homelands to the degree possible, and that the movement of refugees to the United States is, in fact, a form of last resort. As you know, if we didn't have that policy we'd be innundated, and our complications would be awesome.

Keeping in mind that there are 7½ million refugees in the world at this point, we can understand the magnitude of the problem.

I think, though, that the State Department has a just and a very logical way to address the demands facing us. A growing proportion of our funds are now devoted to assisting refugees overseas, that is, in regions near their homelands. And a declining share of the budget cost is devoted to the U.S. admissions programs.

Whenever possible, we make an effort to provide self-sufficiency support for the refugees, rather than extended care and maintenance in camps. In this respect, we have the cooperation of the U.N. and other international agencies in an effort to widen the number of contributors and achieve maximum cooperation in this field.

The Attorney General touched upon the specific numbers proposed in ceilings for various geographic regions. I would like to expand on that for just a moment.

The Africa figure, for example, of 3,000 takes into account the traditional African hospitality for refugees within the region. Our experience has been that such hospitality, in fact, takes place, and the 3,000 figure, we believe, is quite realistic.

The greatest need for third country resettlement is obviously East Asia. The orderly departure program from Vietnam, it should be pointed out, is now approaching a monthly rate of 1,000 departures. This offers a safe, legal procedure and an alternative to the problem of the boat people which Senator Hatfield touched upon.

The Amerasian children from Vietnam now leave on regular flights, and this has been a program which has developed well. Again, our numbers take into account the flow of these youngsters.

One problem that still exists that we'll eventually have to face, in fact, we hope we'll have to face, is that of the re-education of camp prisoners. These people who have been held since 1975 under conditions of extreme hardship.

I believe we have an obligation to consider them under our refugee program. Most were associated with our efforts in Vietnam and would qualify under our admission priorities. There will come a time, when they will be able to leave Vietnam, and we would hope to have a good program in place to meet their needs.

The ceiling for Eastern Europe and the Soviet Union raises an area of special concern to many members of the Senate and the House. The ceiling of 12,000 takes into account the fact that the Soviet Union is no longer permitting a normal movement of Jewish refugees from the Soviet Union.

In fact, the number of those reaching the United States last year for the first time in 13 years fell below a 1,000. The President, as you know, Mr. Chairman, has condemned the Soviet policy which interferes with a legitimate flow of refugees from the Soviet Union, but the fact is that this is Soviet Government policy and there is very little we can do about it.

The other numbers for Eastern Europe will primarily be assigned to Polish activists, Solidarity movement leaders expelled from the country, and other Eastern Europeans coming to the United States primarily to join family members already here.

The Attorney General touched upon the problems in Central America in response to Senator Grassley's question. We have proposed a ceiling of 1,000, which we believe will enable us to relieve a situation of special concern.

Specifically it should be noted that among those with especially compelling need are a limited number of Salvadorans granted amnesty by the Government of El Salvador. It is hoped that in particularly deserving cases, these numbers would be utilized for such individuals.

The proposed ceiling of 6,000 for Near East and South Asia primarily relates to Afghan refugees. It should be stressed as the Attorney General noted in answer to your response, Mr. Chairman, the vast majority of Afghans hope and pray for the day when they'll all be able to return to their homeland.

30-929 O - 84 — 4

I should note that in this area, our admissions program includes a small number of refugees from Iran. There are Christians, Jews, and especially Iranian Bahai's who are subject to intense persecution in that country. The numbers that we have proposed cover those who manage to escape.

Overall, Mr. Chairman, I would say that the State Department approach to this program is the result of hard work and extensive consultation. In my judgment, it takes into account the political realities of each region and also the role and coordination that we received from international organizations and the cooperation of other nations.

It also balances our humanitarian and domestic concerns with our own limitations.

Like you, Mr. Chairman, I believe that this annual consultation—and I am here representing the Secretary of State—has been effective. We welcome it. We want your continued cooperation and concern, and we would hope, as you noted in your early statement, that by adjusting your schedule next year you would have the opportunity to have the Secretary of State appear before you instead of this panel of well intended, but slightly lesser lights. Thank you, Mr. Chairman.

Senator SIMPSON. Thank you, Ed.

I assure you that it is not a reflection upon the attendees, my comment about that, it was just rich frustration, nothing more, about the participation of the Secretary, and not for purposes of the lights burning or anything like that.

The purpose being that when you have an agency of the Federal Government which expends 18 percent of its budget on refugees in some way you are indeed a critical part of the mix, and it is just that explicit.

So we must have that, and certainly there are many times along the course when we deal with issues of immigration or refugee matters when suddenly a foreign policy consideration will skew the entire operation.

And then there will be this blank look—well, it's a foreign policy issue, that's why we're doing that. And that leaves the Justice Department sometimes in an exact opposite position, and that's something that I'm going to see resolved. We're going to see if we can't have a little better cooperation there, and there is better cooperation, certainly, than there was 2 years ago.

So, I do appreciate having the views of the State Department, and do indeed look forward to continual intense participation by that agency in our efforts.

[The following was received for the record:]

PREPARED STATEMENT OF EDWARD J. DERWINSKI

Few subjects are of greater human concern in our foreign policy than the plight of the world's refugees. Each decade in the past half century has its record of refugees seeking escape from oppression. In this decade alone we have witnessed three mass flights on a historic scale: 1.6 million refugees from Indochina; one million from Ethiopia; and over three million from Afghanistan. The human costs of such exoduses can be measured in the loss of people to the home country, often including the ablest and most spirited; the burden of added population to the receiving countries, whether near or far; and the human toll on the refugees themselves.

As in the past, the countries from which the largest numbers of refugees have fled are those that have fallen to communist domination or leadership, for it is in those countries that the basic aspirations of life -- which we sum up in the term human rights -- are most persistently violated.

As we look to the future there is growing recognition of the need for a full international process of burden-sharing to aid refugees. Such a process needs to look for new ways to expand the circle of countries prepared to assist in caring for refugees. We also need to consider what can be done to anticipate and prevent refugee flows, in particular to reduce the size and duration of the massive exoduses that are occurring with increasing frequency. The rights of refugees need to be preserved and protected. At the same time the responsibility of governments needs to be spelled out more clearly to reduce or eliminate the situations in which entire populations are forced to look to other countries for the minimum conditions of decent life.

This is especially evident as we recognize the growing difficulties that all refugee-receiving countries, including our own, face in absorbing refugees. Even where refugee movements take place within a geographic region they can have severe impact on the local populations and on economic development. The impact can be just as great if refugees are moved to distant third countries. The successful adaptation of some refugees should not obscure the hardship that the refugee experience imposes on all concerned. Discussion of refugee problems must start with a recognition of the need to come to grips with the root causes.

It should be stressed that America's leadership role does not, in most cases, require that refugees be admitted to the United States. A considered approach to refugee programs worldwide has made it possible in the past two years to reduce substantially the numbers of refugees for whom resettlement in the U.S. and other third countries is the appropriate solution. This has been a major U.S. policy objective, one that is supported by the United Nations High Commissioner for Refugees (UNHCR) and by the international community as a whole.

If prevention is the best cure for a refugee problem, then the next best, clearly, is for refugees to be enabled to return freely to their homelands. Often this cannot take place right away, but in time the factors that caused refugees to flee may change enough to make possible such voluntary repatriation. We have supported such efforts wherever proposed by the UNHCR, always insisting that there be safeguards to assure that the refugees' rights are protected.

Even if voluntary repatriation is not immediately in sight, it makes sense to care for refugees within their region. In many cases neighboring countries have ties of language or ethnic character which ease the acceptance of refugees and facilitate their longer term integration. Such local resettlement also preserves the possibility of the refugees returning eventually to their homelands as conditions change. In general, the expectation needs to be challenged that becoming a refugee equates to distant emigration. Except where required by special circumstances, solutions to refugee situations should be sought close to home.

International Relief Efforts

Each year since 1981 a growing share of State Department funds allocated to refugee programs aids refugees overseas, with a declining portion devoted to the U.S. admissions program. Wherever possible, and in consultation with the host government and the UNHCR, our contributions support programs aimed at easing the transition to refugee self-sufficiency and long-term solutions. We look to the UNHCR to take the lead in organizing the international aid effort in such a way as to engage the widest possible number of donors and to bring to bear the resources of the appropriate international agencies -- the World Food Program, United Nations Childrens Fund (UNICEF), the World Health Organization, and the UN Development Program. Non-United Nations bodies such as the International Committee of the Red Cross (ICRC) and the League of Red Cross Societies, as well as private humanitarian organizations, also play vital roles in refugee assistance programs. Through these organizations, as well as directly, the U.S. aids refugees in

every part of the world. Our refugee assistance will amount to some $300 million in FY 1983, including Food for Peace commodities, and is likely to come close to that total in FY 1984.

Some of the major assistance programs that we support include:

Africa. The countries of Africa have been generous in granting refuge to large numbers of refugees, in many cases providing land for resettlement and conferring citizenship or other legal status on refugees. For our part, the U.S. has allocated a large proportion of our refugee assistance programs to Africa. In the Horn of Africa, several American private voluntary agencies serve as key operating arms for the UNHCR. The U.S. supports a number of special projects in such fields as education and health for African refugees and is a leading contributor to the International Committee of the Red Cross (ICRC) program which aids refugees in areas of armed conflict and civil strife.

Central America. The U.S. has provided one-third of the support for international agency programs (UNHCR, ICRC, World Food Program) which assist El Salvadorans, Guatemalans and Nicaraguans who have taken refuge in Honduras and other countries of the area. Our programs are designed to encourage and maintain the asylum tradition of the Central American countries.

Pakistan. The United States has been a major contributor to UNHCR and other international programs to aid the 2.9 million Afghan refugees in Pakistan -- the largest single refugee group

in the world. The Government of Pakistan has carried the principal responsibility for assuring basic life support for the refugees within its borders. Some seventeen voluntary agencies aid in providing refugee relief and services.

Palestinians in the Near East. The U.S. continues to provide financial support to the United Nations Relief and Works Agency (UNRWA) which is responsible for assisting Palestine refugees in the Near East. In addition, the U.S. contributed over $100 million in relief and reconstruction aid for Lebanese and Palestinian displaced persons following the 1982 invasion of Lebanon.

Thailand and Kampuchea. The U.N. Border Relief Operation (UNBRO) continues to coordinate relief programs on the Thai-Kampuchean border. Attacks on border camps by Vietnamese military forces from within Kampuchea forced many Khmer to seek temporary refuge further inside Thailand, and the requirements for food and medical aid on the border remain substantial. We are a major contributor to the international anti-piracy program organized by UNHCR to assist the governments of the area in protecting refugees from pirate attacks at sea, and plan to use the added resources provided by the Congress for an expanded multilateral program.

International Resettlement Cooperation

Despite the emphasis given to aiding refugees in the regions of their homeland, there continue to be circumstances in which there is no humane alternative to moving refugees to other countries, including the United States. This is particularly

so when refugees cannot be cared for in first asylum countries and there is no prospect for return to the homeland without fear of persecution. In such situations the U.S. must continue to do its fair share, while recognizing that the responsibility for refugee resettlement is one which properly falls on the entire international community.

In the past year there have been continued actions to broaden the base of refugee resettlement. The UNHCR and the Intergovernmental Committee for Migration (ICM) have each acted within the terms of their mandates to encourage additional nations to admit refugees, and to persuade traditional asylum countries to maintain or expand their programs. Significant numbers of refugees -- Indochinese and others -- are currently accepted by Australia, Canada, the Federal Republic of Germany, and France. Some countries with smaller programs accept handicapped refugees and those needing long term medical care. Several governments have given commitments to receive refugees rescued at sea. In August of this year the U.S. met in Honolulu with senior immigration officials of Australia, Canada and Japan to coordinate programs for Indochinese refugees. We plan to continue such consultations on an expanded basis in the year ahead.

Proposed Admissions Levels

The admissions ceilings proposed by the President for the coming year reflect these considerations and priorities and are based on a thorough review of U.S. foreign policy interests and humanitarian concerns balanced against the constraints of domestic impact. The numbers recommended for FY 1984 are as follows:

Africa	3,000
East Asia	50,000
Eastern Europe and the Soviet Union	12,000
Latin America and the Caribbean	1,000
Near East and South Asia	6,000
TOTAL	72,000

Refugee admissions to the U.S. since enactment of the Refugee Act of 1980 have been as follows:

FY 1981 - 159,252
FY 1982 - 97,355
FY 1983 - 61,000 (estimated)

In each of these years actual admissions have been well below the ceilings set by the President following the consultations with Congress. In the current year the estimated admissions will run some 29,000 below the agreed ceiling of 90,000. It has been our policy to accept only refugees of special concern to the United States, who meet our admissions criteria and are not otherwise excludable, for whom there are no other reasonable resettlement possibilities, and whose admission responds to compelling U.S. foreign policy interests or humanitarian concerns.

Africa

Although the great majority of African refugees are cared for within the region, there continue to be individual cases and groups of refugees for whom international resettlement is required. The proposed admissions ceiling of 3,000 will enable

30-929 O—84——5

us to do our fair share to relieve the pressure in certain areas and to aid refugees who can be cared for in the region only with difficulty. This includes limited numbers of urban refugees who cannot be assimilated readily into rural areas, and former political prisoners and other refugees needing resettlement abroad for political or security reasons. Our admissions priorities are responsive to the special claims of refugees with relatives or other ties to the United States, foreign links which themselves sometimes make it more difficult for a refugee to be resettled locally.

East Asia

Although the number of new refugees arriving in first asylum countries of Southeast Asia is down from the peaks of past years, there continue to be some 192,000 currently in first asylum refugee camps. (This figure does not include an additional 210,000 Khmer in border encampments along the Thai/Kampuchea frontier.) Deep ethnic and national differences and antipathies make resettlement in nearby countries always difficult and in most cases impossible. Consequently, the countries offering temporary refugee -- our close friends and allies -- remain under heavy domestic political pressure to limit the numbers of refugees in their territory. The proposed admissions ceiling of 50,000 thus responds to urgent foreign policy and strategic factors, as well as considerations of compelling humanitarian concern.

The countries of the Association of Southeast Asian Nations (ASEAN) have been on the front lines of this refugee emergency since its beginning. For them it represents the direct,

visible consequence of oppressive, aggressive policies by the Vietnamese authorities towards their own people and towards the neighboring states of Kampuchea and Laos. For domestic as well as strategic reasons the ASEAN countries have a vital interest in limiting the impact of the refugee influx, and they share our objective of bringing this program to a humane conclusion.

The recent discussions in Honolulu confirmed that this goal is in accord with the policies of the other major resettlement countries aiding Indochinese refugees, and with the internationally mandated objectives of the UNHCR. We hope that the downward trend of new arrivals and the combined effort of the countries of the area, the resettlement countries, and the UNHCR will result in a continued reduction of the refugee population which will make it possible to look to the next two years as the final stage of this historic program.

Responding to a recent Presidential directive, the State and Justice Departments have reached agreement on revised guidelines for refugee processing which spell out in detail the characteristics and categories of various groups with an apparent claim to refugee status. Immigration and Naturalization Service (INS) officers will continue to be responsible for making individual case-by-case determinations for U.S. admissions, but the detailed information in the guidelines should make it possible to evaluate refugee claims on a more consistent basis.

In the current year the total number of Indochinese refugees entering the U.S. before September 30 is estimated at 37,500, some 26,500 less than the 64,000 ceiling for FY 1983. Another

15,000 Indochinese approved by INS during this year will be in ESL/CO classes or en route to such classes as of the end of this year and will enter the U.S. under the FY 1984 ceiling.

The proposed East Asia ceiling for the coming year takes account of three programs directed at situations of particular concern to our country:

Orderly Departure Program (ODP) from Vietnam

The ODP was established by agreement between the UNHCR and the Vietnamese authorities following the Geneva boat refugee conference in July, 1979, to provide a safe, legal alternative to the appalling risks of refugee flight by sea. There was a significant expansion of this program in 1983, bringing the numbers to a monthly departure rate for the U.S. of close to 1000 persons. (About the same number depart for other countries.) There are indications that Vietnamese who may be considering illegal flight are at last regarding the ODP as a viable alternative. A significant portion of the FY 1984 numbers for East Asia will be utilized for ODP cases.

Amerasian Children from Vietnam

As the Committee knows, we have carried out the objective of the Amerasian legislation in the case of Vietnam through the Orderly Departure Program, utilizing refugee numbers as necessary. Vietnamese-American children are of especially compelling concern to many Americans, and we want to be certain that adequate numbers are available to admit all such cases.

The total number of Amerasians admitted thus far, including immediate relatives, is over 1,000 persons. The numbers have increased in recent months, and a growing proportion are admitted as refugees.

"Re-education Camp" prisoners

We have long made clear our special concern for those Vietnamese, many of them associated with our past programs in Vietnam, who have been held as political prisoners in so-called "re-education camps," a euphemism for concentration camps. Many such prisoners have been held since 1975 under conditions of severe privation and hardship. Some have been released for "re-education in place," allowed to return to their homes but still deprived of their civil and political rights. We have asked the UNHCR and the ICRC to intervene on behalf of these prisoners, to seek improvement in their conditions of detention and to attempt to arrange for their release. There can be no question of our obligation to consider such former detainees for admission under our programs. Many, probably most, are likely to qualify under our highest priorities.

ESL/CO

Responding to recommendations of this Committee, we have strengthened and extended the English-as-a-second language and cultural orientation (ESL/CO) programs in the Refugee Processing Centers (RPC's), with close to 90% of working-age Indochinese refugees now receiving this training before they enter the U.S., many of them for a full six months. Preliminary results of independent studies confirm the value of

such overseas language and cultural studies in preparing refugees for entry to the United States. We have also initiated language training programs for Ethiopian refugees entering the U.S. from Africa.

In cooperation with the Center for Disease Control of the U.S. Public Health Service we have taken a series of actions to improve the medical screening and treatment of refugees before their departure for the U.S., with strengthened follow-up measures, where needed, by public health officials in the U.S. Improved medical facilities are planned for the RPC's to be provided in part through contributions from the Japanese government and private sources. In addition to the improvement in health care for refugees that this will make possible, it is clear that the costs of treating medical problems abroad are significantly below the costs of comparable treatment in the U.S.

Soviet Union and Eastern Europe

The past year has been marked by a continued decline in the number of refugees permitted to leave the Soviet Union, and continued substantial but relatively stable numbers of Poles and other Eastern Europeans in temporary refuge in Western Europe. The total number of Jewish refugees coming to the U.S. from the Soviet Union fell below 1,000 this year for the first time since Jewish emigration began to be permitted in the early 1970's. The decline has been accompanied by public campaigns in the USSR alleging that all Soviet Jews wishing to depart have done so, a claim rejected by concerned experts in our own country and Israel. The number of Armenians coming to the U.S.

from the U.S.S.R. has continued at the 300-400 level of last year, also a historic low since this program began.

The majority of the refugee numbers for this region, accordingly, are being utilized for Poles and other Eastern Europeans. Most such refugees manage to make their way to Austria, the Federal Republic of Germany, and other Western European nations, where they are able to apply for permanent resettlement elsewhere. The largest single group are Poles who were already in Western Europe when martial law was declared in their country at the end of 1981. There are few signs of Poles returning home following the announced "suspension" of martial law in July, 1983, and many Poles outside their country continue to seek opportunities for permanent refuge in the West.

In the past year, some 500 former political detainees in Poland, mostly Solidarity activists who have been released from prison, were permitted to travel to the U.S. with their families. The former prisoners make initial application at American posts in Poland and are assisted in further processing and travel to the U.S. by the Intergovernmental Committee for Migration (ICM). A comparable number of ex-detainees have been accepted by other countries.

There continues to be a substantial flow of refugees from other Eastern European countries, many of whom can be expected to come to the U.S. Since the Second World War Eastern European refugees have looked to our country as a safe haven from the communist regimes of their homelands. Many continue to do so.

Latin America and the Caribbean

Although there are substantial numbers of refugees and persons displaced by fighting and civil strife in Central America, the tradition of asylum in neighboring countries remains well established. Our programs are designed to encourage and support that tradition. The proposed ceiling of 1,000 will enable us to relieve situations of special concern by admitting to the U.S. former and current political prisoners, immediate relatives of refugees already in the United States, and persons with especially compelling needs. Our admissions will include a limited number of Salvadorans among those granted amnesty by the Government of El Salvador and their families, up to 200 persons in all. We continue to provide major support to UNHCR and other international assistance programs throughout the region.

Near East and South Asia

The proposed admissions ceiling of 6,000 will make it possible to admit selected cases out of the many refugees who have received temporary refuge within this area. By far the largest number are Afghans who have left their country since the Soviet invasion in late 1979: some 2.9 million now in Pakistan, a sizeable number in Iran, and smaller totals in other countries including the U.S. -- in total well over three million. The great majority are tribal people who look forward to the possibility of returning to Afghanistan and for whom temporary resettlement is the preferred solution. As is the case in other regions, the primary U.S. response has been a major commitment to supporting the international relief programs established to care for the refugees within the area. In Pakistan these programs include self-sufficiency projects aimed at enabling refugees to

contribute to their own support in their situations of temporary exile. The U.S. admissions program for Afghans is carried out on an individual basis and applies primarily to those with close family or other ties to the U.S.

During the past year we have also implemented an admissions program for Iranians forced to leave their country following the overthrow of the Shah and the rise to power of the Ayatollah Khomeini. Based on our experience in 1983, we are extending our admissions program in 1984 to Iranian refugees outside their country, but not permanently settled, even if they do not have relatives or other ties to the U.S. There has been special concern about such groups as the Baha'i, Christians, Jews, and others singled out for discrimination by the current regime. Our admissions program will continue to offer a safe alternative for these and other victims of oppression.

Domestic Considerations

As reported to the Committee in the mid-year consultations and in our testimony on the reauthorization of the Refugee Act of 1980, we have taken a series of actions aimed at improving the integration of refugees into our communities and cities. We are mindful that in bringing refugees to the U.S. we are, in effect, admitting future new Americans. Our goal has been a program that assures that all refugees coming to our country are given a positive start on the path to self-support through employment as productive members of our society. The history of our programs shows this has been the case in the past, with many of yesterday's refugees and their children becoming leaders in our society today. We want to be sure our programs continue to serve that objective.

We have continued our expanded program of working with the private voluntary agencies to assure that refugees receive the full range of assistance specified in our cooperative agreements. The voluntary agencies have a long record of helping refugees, in this country and abroad, for which they merit full recognition. At the same time we believe that they and we have benefited from the monitoring of their operations that is now in effect on a continuing basis. There have been management reforms to establish self-monitoring by voluntary agencies, to strengthen contacts between local affiliates and welfare offices, to insure a minimum of ninety days active assistance to each refugee, and to provide special attention to children who may be vulnerable to placement breakdowns, all serving the overall goal of assisting the refugees and their families in moving towards productive self-sufficiency.

In cooperation with the Department of Health and Human Services, we are taking advantage of the lower rate of refugee arrivals in 1983 and 1984 to bring about constructive changes in a program that grew rapidly in previous years, to some extent stretching the capabilities of all concerned. There is now in place a network of national, state, local, governmental and private cooperation capable of assisting refugees already here and meeting the needs of the future. We believe the reception and placement program is working well and that further improvement can be expected in line with recommendations of the Refugee Assistance amendments of 1982 and the revised provisions of the cooperative agreements that have been presented to this Committee.

Conclusion

Our refugee programs are an essential part of our foreign policy and continue a generous and humane American tradition. The admissions proposals outlined above will enable us to continue to do our fair share while helping sustain the far greater numbers of refugees being assisted overseas. We hope they will have your support.

Senator SIMPSON. Now, Ambassador Douglas, please.

STATEMENT OF HON. H. EUGENE DOUGLAS

Ambassador DOUGLAS. Thank you, Mr. Chairman.

I am pleased to be with you again this morning. This is my second annual consultation. I think it may be a record of survivability for U.S. Coordinator.

Senator SIMPSON. A record?

Ambassador DOUGLAS. We make lots of records, but this is one of the more benign ones, I think.

I want to echo the theme that has become very popular, and very safe, and that is to praise the consultation process and the vitality of interest of the members of this subcommittee.

Of all the things that I will take away from this experience in Washington, I think the consultation process may certainly be one of the more vivid.

The usefulness of it in exchanging views has another aspect as well, and that is the ability to represent the views of the Congress when we move overseas and around the country. Despite all of the difficulty and work that we put into to making the consultations function as well as they do, I think is a very great positive element in the whole process of the way the Americans manage their refugee program.

So, for what it is worth this morning, the consultation process does seem to us to be working. It does seem to have a very positive effect on our ability to manage and to hold the national program and its international aspects on an even keel.

I have a prepared statement which we have submitted to the subcommittee, and if you have no objection, I would like to have it included in the record and make a few additional comments.

Senator SIMPSON. Without objection.

Ambassador DOUGLAS. Senator Hatfield brought up a point this morning that I think is worthwhile to take a few minutes and discuss. He spoke about the reductions in refugee ceilings that had been made over the last 2 years, and he gave his opinion, and a very informed opinion, on the acceptability from an Asian viewpoint, particularly an ASEAN viewpoint of the 50,000 numbers that the administration is recommending for Southeast Asia.

Senator Hatfield's comments raised a question, of whether the perception of what the administration's refugee team is pursuing is as understood in the public and on the Hill as it seems to be within the administration itself.

As we have looked at the worldwide refugee situation, as we have surveyed the populations and their resources that are dedicated to relieving humanitarian pressures in refugee situations, we have held several things in our mind, and I think they are worthwhile to list them and to make a few comments about them.

One, we have been far more interested in forming the international response and the domestic response than just coping with it. We found that the numbers in 1980 and 1981 were so sudden and so large that it was more a problem of coping than it was trying to form either the mechanics of the international response, or to fine tune the way we were able to deal with it here at home.

Both the House and the Senate committees have been most persistent in keeping our attention focused on the need to form our responses rather than to just cope on an ad hoc basis. When we look at Southeast Asia, particularly Southeast Asia, the administration's team is impressed by the need for a clear vision, certainly for compassion and a humane vision, but, above all else, for a sense of realism and balance and what we are going to be able to achieve over a 3 to 4 year period.

We have learned that there is a certain lag time, or lag period between starting a new policy direction and seeing it's influence in the field itself. It has been our view that apart from what our own ability to accept and resettle Southeast Asian refugees maybe, that we have found it to be important to bear in mind what the rest of the world was likely going to be willing to do.

If we were to continue a high, high level of refugee resettlement, and speak of continuing that for an indefinite future, it's our view that the other major resettlement countries, Canada, France, Australia chief among them, might lose a certain amount of its enthusiasm and optimism to continue to maintain its current rates of resettlement, which are, given the size of their population, very respectable.

We have worked quite persistently to continue improvements in the international management of the refugee situation not just to save money, but to make sure that the moneys and the personnel that were going to be available would be directed at those essential lifesaving protection and humanitarian assistance activities that must come in advance of any resettlement.

We have further been most mindful to encourage a new way of looking at refugee self-sufficiency for those mass populations who are going to be long stayers in a country of first asylum.

Here we have chief in our minds the large population in the Sudan and in Pakistan.

And finally, we have tried to be very mindful of the domestic consequences of these international activities.

The sense that Senator Hatfield expressed that 50,000 was almost an irreducible minimum seems to assume that our 50,000 will not be matched by 10,000 or 12,000 from Australia and other thousands from Canada and France. If you were to add the international response in this coming year, it will likely be equal to ours,

if not greater. And I think Assistant Secretary Purcell would be better able to give exact figures if those are of interest to the committee.

We feel that the 50,000 number is a good one. We feel that it is an achievable one for domestic resettlement. We feel that it is an acceptable one for the country's of first asylum in Southeast Asia.

When the Senator spoke, as others have, both in the press and elsewhere in hearings on the House of Representatives of those actually admitted to the United States this year I think it is important to repeat that there are 15,000 or more other refugees who have been interviewed and approved by the Immigration Service, who are undergoing English language training, health improvement, and cultural orientation in refugee processing centers in Southeast Asia.

The number that are actually admitted to the United States seems to be less the focus of concern of the Thai Government than how many are approved and how many leave Thailand; whether they go to refugee processing centers, or go directly into the United States is, I think, a secondary matter.

While the situation in the refugee world certainly looks grim at times, I think for Southeast Asia the administration's team is more optimistic now that we have time to work toward a less crisis oriented response, after the meeting which the United States held with Canada and Japan and the United Nations High Commission for Refugees and Australia in the Pacific this past summer.

I think for the first time that watershed meeting reached a common assessment of the camp populations in Southeast Asia, what we expected from flows, barring any other new disaster in that troubled region, and had a clear and confident assessment among ourselves that our chief allies and the High Commission were tracking along a common course of trying to provide a response without providing a flippant encouragement for people to leave.

There will always be a serious enough need for persons to seek the status of refugee. But we wanted to make certain that we had done all that we could not to encourage those whose motivation might be less than life threatening to depart the region.

Since we will be discussing in greater detail with Mr. Purcell and Mr. Hawkes and the Commissioner of the INS, I would like to close my testimony and these initial comments with a note of appreciation, not just to the members of the committee, but to the staff of the committee who have worked so hard on their own to keep us informed of the desires of the members, and to relay to the members the thoughts and programs that we have before us during the year.

Thank you, Mr. Chairman.

Senator SIMPSON. Thank you very much, Ambassador.

[The material referred to follows:]

Prepared Statement of Hon. H. Eugene Douglas

Mr. Chairman and members of the Committee, I am pleased to be here today to discuss with you the Administration's proposals for refugee admissions into the United States for the coming fiscal year. Along with that discussion, I would like to share with you some further philosophical observations concerning America's role in relation to the worldwide problem of refugees.

This is my second opportunity to formally consult with the Congress on the annual refugee admissions to our country. As I observed last year, the position of the U.S. Coordinator for Refugee Affairs affords the incumbent one of the more exceptional platforms for observing a broad range of international, as well as domestic, political developments. In a sense, the issue of refugees is a concentrating prism of the events of our time.

Today my colleagues in the Administration will be explaining in full detail the Executive Branch's views on our request for the FY '84 admissions ceiling of seventy-two thousand (72,000) refugees. I will go no further than the observation that we feel that the recommended ceiling meets humanitarian needs, protects the principle of first asylum, and is consistent with our domestic and international concerns. I need not remind this body that the task of balancing the foreign and domestic policy factors has become increasingly more difficult in recent years as refugee admissions have merged with other migration concerns to heighten public awareness regarding the local impact of absorbing large numbers of foreigners.

Last year in an article published in the fall Strategic Review, I wrote that, "It is safe to predict that in the year 2000 human pressures on national borders, group demands for refugee status and resettlement, and individual appeals for asylum will still rank as major issues of domestic and international politics." Noting the exceptional complexity of migration issues, I suggested that we are likely to see the sovereign control of borders, like the management of modern economies, becoming more and more a matter of consultation (if not confrontation) and negotiation between nations.

During the past year, my office has directed considerable attention to the resolution or improvement of international conditions that directly affect our domestic resettlement situation in the United States.

In my view, many of the problems we experience in resettling refugees in America can be managed more effectively by first ensuring that we have taken all reasonable, possible actions to stabilize refugee populations worldwide.

In order to do this we are carrying forward onto our FY '84 agenda the following crucial tasks: (1) emphasize repatriation; (2) broaden the international participation in the planning and implementation of refugee self-sufficiency support activities, particularly in Africa; (3) maintain a strong commitment among all the major donor countries who resettle refugees; and (4) continue improving the health, basic

English language and work orientation programs for refugees before they arrive in the United States. Every item on this list is important and will be difficult to achieve, but the matter of repatriation deserves special comment.

The United States is by far the most generous country in the world in accepting and helping refugees. At times, we may even be generous to a fault. For years we have accepted for permanent resettlement more refugees than all other countries of the world combined. We also accept hundreds of thousands of legal immigrants every year and an even greater number of illegal aliens whom we make no serious or concerted effort to apprehend and expel once they have dispersed across the country. The United States also provides more assistance than any other country to the United Nations Red Cross, and other agencies helping refugees. We should continue to be generous. But there are limits.

Over the past eight years, the world has experienced successive refugee crisis in the Far East, South Asia, and Africa where voluntary and safe repatriation has been difficult at best when not altogether impossible. We should bear in mind that the Marxist and Soviet inclined governments in Indochina, Afghanistan, and Ethiopia have been quite content to see masses of their own people flee to become a burden on neighboring states. Our task is to see that this historically very brief hiatus in refugee repatriation does not become a new and very dangerous permanent state of affairs.

As an initiative of the Coordinator's office, the first ministerial level meeting of the Consultative Group on refugees -- Australia, Canada, Japan, the United States, and the UN High Commission for Refugees (UNHCR) -- took place in August. The important issue of voluntary repatriation recurred several times during the talks. The UNHCR was strongly urged to press vigorously to continue its program in the Horn of Africa and to reopen the voluntary repatriation program in Laos which was suspended earlier this year. With regard to Vietnam, while no one projected quick positive repatriation developments except for a limited number of humanitarian cases, it was recognized by all as important to engage the Vietnamese authorities in a continuing dialogue looking to the future.

Voluntary repatriation, even under UNHCR auspices, can be a source of anxiety for the refugees themselves. We must be reasonable and compassionate in the selection and implementation of repatriation programs. But repatriation must be rehabilitated as a moral and practically viable option in the worldwide refugee picture, even though it will face us all with difficult, at times even tragic, choices. Yet unless we wish to see even larger resettlement flows or press countries of first asylum to the breaking point, we have few other options. One can only view with great disappointment the failure of the community of free nations to come to grips with the root causes of refugees.

A final note on the Consultative Group meeting. In light of the improved situation in Southeast Asia, the United States,

Australia, and Canada agreed to maintain significant resettlement efforts for the next eighteen months. For their part, Japan agreed to maintain current high levels of financial contributions to relief activities in the region and to actively consider raising its admissions ceilings from 3,000 to 5,000.

On another of the FY '84 agenda topics, we have significantly improved, with the help of a $4.3 million donation from the Japanese, the Bataan processing center in the Philippines for U.S.-bound refugees. The improvements in refugee health, English language, and work orientation abilities that we expect from this project, will do much to lower stateside medical costs for refugees and prepare them sooner to accept entry level employment in their resettled communites.

A major refinement by the Administration of the refugee program was made this year when INS issued a new set of refugee processing guidelines intended to improve the processing of refugees to the U.S. and to minimize arbitrariness in that process. These guidelines became effective in August 1983, but their major impact will occur in FY '84.

In the coming year, we anticipate a further expansion in the Orderly Departure Program (ODP) from Vietnam.

In addition to offering an alternative to the dangerous boat route, this program is the major vehicle by which we will bring out the remainder of the Amerasian chidren in Vietnam. Last year, we were able to bring out approximately 500 of these

children through ODP. Next year, we hope to substantially increase that number. The release of these children from Vietnam is not only one of my priorities, but implements the decision of the Congress to extend a compassionate and generous hand to these children.

Not only Amerasian children, but all refugee children -- who are particularly vulnerable as refugees -- are a special concern of my office. This past year, we have worked with the INS to review U.S. policy towards unaccompanied minor children in the refugee camps in Southeast Asia. We have now issued new processing guidelines to the field which we hope will resolve the backlog of this caseload.

Many of the problems we have been working on this year involved not only complex negotiations internationally, but extensive interaction between the various U.S. Government agencies involved in administering the refugee program. As a forum for planning and interagency cooperation, the President has established a Senior Interagency Group/Refugee Policy, which I chair. This group includes representatives of every U.S. Government Cabinet department and agency involved in refugee affairs.

While international refugee questions -- management and financial accountability of the international organizations, alternatives to resettlement, improving the ODP program, issuing new worldwide processing guidelines, and improving the preparation of U.S.-bound refugees -- have occupied much of my attention this past year, we have also been attentive to the domestic side of the U.S. refugee program.

Despite all our efforts over the past years, significant problems persist in the domestic refugee program. Refugee costs remain high, as reflected by welfare dependency rates. The relationship and division-of-labor among the Federal Government, state governments, voluntary resettlement agencies, and sponsors remains imperfectly defined. In the absence of a broadly accepted revitalized sense of sponsorship, the refugees are moving more and more into the orbit of entitlement programs under state management. To us, this represents a regression in the traditional idea of refugee sponsorship which is unacceptable to this Administration and to most of the American people as well. We are committed to returning the principal responsibility for the resettlement of refugees to the private sector, albeit with adequate Federal assistance in the early stages. Having recognized the difficult situation we are still facing, I hasten to add that I am not despondent about improvements. Quite the opposite.

An important Administration proposal for FY '84 is the consolidated or per capita grant program. We believe that per capita grants will provide states with much needed flexibility in their approaches to helping refugees obtain self-sufficiency and make them more accountable for the successes or failures of their management. It is the states and counties that can best make decisions about the most appropriate mix of cash support and social services in their area. The status quo needs improvement and the best improvements come from the local level -- not from Washington.

The consolidated grant was never intended -- and is not now structured -- to cut the total amount of Federal funds available to the states and localities, or to drastically deviate from the current allocation pattern among states. No aspect of the per capita grant program limits currently established Federal responsibility for refugees. The initiative is intended as a first step toward local solutions to the welfare dependency problem.

Congress is currently debating its initiative to bar refugee access from public cash assistance for the first 90 days they are in the country. I believe that this debate represents national frustration over various aspects of refugee sponsorship. Though the Administration has several problems with the proposed legislation, I agree with the underlying premise that traditional sponsorship and other private initiatives must be revived. In any case, the Administration is committed to working with resettlement agencies and the private sector to broaden the base for private initiatives and support. By this statement I do not mean that the private sector must necessarily match or exceed the Federal contribution dollar for dollar, but that individual, community, and church sponsors must be returned to the program in a personal and caring role for refugee individuals and families until they are able to support themselves.

The Administration's refugee team will continue to explore alternative programs for the delivery of services to refugees other than through the current Federal and state welfare network.

The problem with delivering refugee services through Federal welfare programs, such as Aid to Families with Dependent Children, is that entitlement programs, which are not geared toward refugee self-sufficiency, take precedence over Refugee Act mandates. As a result, some of the major incentives envisioned in the Act to support early independence and self-sufficiency among refugees have been blunted. We will be taking a hard look at the delivery of these services through entitlements in the coming year, to see if there is not a more efficient and effective means to let the Federal dollars do the job they are intended for -- namely, promoting the earliest self-sufficiency. Often refugees do not find jobs as quickly as they otherwise might because of the disincentives built into the entitlement system which compete with the entry level job market. But another reason is a lack of imaginative planning and a surprisingly widespread failure to emphasize our partnership with those who create jobs in this country -- the private sector.

During this coming year, I intend to lead our efforts to better involve local business leaders in helping to resolve particular employment difficulties for refugees. We have had encouraging although early results this year from a small pilot program directed at jobs for Hmong refugees. In talking with various community business leaders throughout the U.S. in the past year, I find there is a tremendous resevoir of good will towards refugees that has yet to be mobilized. We will also continue to encourage self-help initiatives by refugee community organizations specifically aimed at refugee small business development.

We are also looking at the benefits of follow-up English language training to refugees after they are working in order to stabilize job security and support upward mobility.

At the core of all the options we will look at in the coming year is the building upon and strengthening community resources that assist refugees, rather than continuing to rely on Federal government programs originally designed for other needs.

Private sector responsibility for refugees during their initial period in the U.S., volunteer sponsorship, refugee community self-help initiatives, and other options are not a panacea, but they are the building blocks which offer a base upon which to construct a sound, effective program.

We do not intend to diminish the Federal role in refugee resettlement, but to revive the role of the private sector. The Federal Government is responsible for admitting refugees and for providing adequate support for resettlement. It is my strongly held view, however, that refugee resettlement is a partnership among states, communities, resettlement agencies, churches, the business community, the Federal Government, and the Congress. We must find a more effective balance among this partnership to achieve the improvements we all acknowledge are needed in our resettlement programs. I am confident that the resettlement partners will work together in the coming year to achieve the goals we have established.

Senator SIMPSON. Just a few questions. Mr. Derwinski, you note in your testimony that an improved international response in the last 2 years has allowed the United States to substantially reduce the numbers of refugees we accept for resettlement.

Could you elaborate just a minute on the details of that improved response? Where have we seen the increased involvement here, if you could?

Mr. DERWINSKI. Ambassador Douglas can give you more details. International cooperation, particularly as regards the refugees in Asia, has been maintained effectively. In fact, Ambassador Douglas had a very progressive session, in July in Hawaii with a number of major participants.

Cooperation, especially in Africa, in serving as host for refugees has been most effective. The same holds true in Pakistan, as noted by the Attorney General.

These factors, in which the United States directly or indirectly has played a major role, permits substantially eased pressures for resettlement in the United States. The figure of 50,000—it's 72,000, with 50,000 for Southeast Asia realistically reflects the anticipated refugee flow.

If you look at the broad picture, I think it falls in place in a rather clear and workable fashion.

Ambassador DOUGLAS. Senator, I would say that in relative terms that the U.S. resettlement program over the last 2 years has probably fallen more than Canada or Australia's has.

It is not our intention to brag about reductions. We have tried to set our numbers based on our perception of the need and what we thought the United States could deal with. Canada and Australia have always done that as well.

But we have increased the level of our communication and our coordination so that there is a far tighter monitoring of the camp situation and the need for resettlement places in any given period of time, so that we have been able to bring our numbers down somewhat sharper than they did, although our numbers were absolutely very much higher than theirs were to start with.

Senator SIMPSON. I think we would all agree that the reduction of the refugee population in Indochina is encouraging, and I notice that you have seen a corresponding reduction in new refugee camp arrivals.

Could you tell us at what levels those trends must continue for the United States to conclude the Indochinese refugee program within the next few years, unless, of course, situations outside of our present observation would come up.

Ambassador DOUGLAS. Senator, I don't think any of us on the administration side are thinking in terms of concluding the Indochinese refugee program in the foreseeable future.

I mean, that would imply that there will be no refugees. We expect there to be a flow of refugees from Southeast Asia for the indefinite future, just as there is a flow of refugees from other Communist and Marxist states years and decades after the access to power.

We are attempting, and not just the United States, but the other major resettlement countries, and the High Commission as well, to bring the numbers in the camps down to a level where you are

talking about flows in the 10,000, 15,000, and 20,000 range for the United States, and the 5,000, 6,000, and 7,000 for the other major resettlement countries, in fiscal years 1986, 1987, and beyond.

Our attempt here is to so improve the orderly departure and retard the boat departures, and work through the camp populations while at the same time encouraging the United Nations to work dilligently on voluntary repatriation programs for those persons who really do not wish to resettle abroad and who have no political background to speak of that they could not eventually go home with some international monitoring.

Among the countries where we see some hope for restarting a repatriation program that ended only last May, would be in Laos. But we're looking at a 2- to 3-year program so that the levels of resettlement will come down into the area of, while not comfort, at least not crisis.

Senator SIMPSON. Well, I think that certainly I wouldn't want to indicate that we were going to conclude. That may not have been a fortuitous selection, but what I'm saying is working it down, certainly there never will be a conclusion to refugee issues in the world. They will always be with us from every country in the world, or most countries in the world, not every.

But just getting it down to the handling of the appropriate levels where we do not have people retained in camps and so on, and that is targeted for somewhere perhaps in 1966, is it not?

Ambassador DOUGLAS. Well, we certainly hope to have the camp populations in the major first asylum countries significantly reduced. I'm reluctant to give an absolute figure. But if there are favorable conditions on the sending in, we would hope that those camp populations would be halved by fiscal year 1986.

Senator SIMPSON. Just one question, then I'll ask Senator Grassley if he may have some questions.

It has been noted that the U.S. assistance to refugee programs in Africa has been cut because of new projects which are promoting self-sufficiency, and of course, that is a rather consistently low number.

Could you just describe briefly those new projects, and you, Ed, or Gene, however you wish to address that.

Mr. DERWINSKI. Jim Purcell.

STATEMENT OF JAMES PURCELL

Mr. PURCELL. My name is James Purcell. I'm the Director of the Bureau for Refugee Programs in the Department of State.

To say that our interest in Africa is declining I think would be erroneous. We are pursuing projects through the U.N. High Commission for refugees and other international and private voluntary organizations in Africa, to pursue a different tack than we have in the past few years.

Rather than keeping refugees solely dependent on care and maintenance, we're going more for refugee self-sufficiency. We're trying to keep refugees in a condition where they're not totally dependent on international organizations for their subsistence, where they can contribute to their subsistance in a way that will eventually allow a return if political conditions permit.

Several projects that we have under way, I think, would show this policy. We have, for instance, in the Sudan, a project, southern Sudan Refugee Assistance Program under the sponsorship of one of the major religious voluntary organizations.

This program is designed to help Ugandan refugees in southern Sudan become agriculturally self-sufficient. We also have in Sudan a project, a vulnerable groups project under the auspices of Sudan Aid which will be coming into effect within the next few months under U.S. funding.

This program again is designed to deal with vulnerable groups, to give them some degree of self-sufficiency, to keep them off total international organization dependency.

We have a project underway in Ruanda which will allow sheepherders who have recently come over from Uganda to begin to exercise their normal trade, again, trying to keep them off of total international care and maintenance.

We have assistance, health projects in Somalia, other countries of Africa, whose major purpose is to allow refugees to assist this degree of self-sufficiency. We have in the past funded the U.N. High Commissioner's program in Africa at the rate of 33⅓ percent. That's the highest U.S. contribution we make to any regional program. We will continue that in 1984. We have been working with the High Commission as have other major donors to indicate that we want a change in the program, and I think that policy is being carried out. We are very supportive of Africa, and I think our programs and budgets reflect that interest, sir.

Senator SIMPSON. Chuck, do you have any questions you want to express?

Senator GRASSLEY. I recently returned from a trip to Africa where reports were made to me regarding the situation, particularly regarding the deterioration of the Uganda tribe, with larger and larger numbers being herded into camps with conditions there very bad, and that there is an effort by our country and other Western European nations to do something about that. I hope it's fruitful, because from what I've heard the situation is very bad.

I would like to direct my attention to what Mr. Derwinski stated about the President's concern regarding human rights violations in the U.S.S.R. I appreciate the President speaking out on those. I have been active in forming a group of North American and Western European parliamentarians regarding which Senator DeConcini has been a major help, and which our Chairman, Senator Simpson has joined, in hopes that we can get a united effort by parliaments and give a united direction to our governments relating to this problem of human rights in the U.S.S.R. and specifically the dramatic decrease in emigration.

We have a group coming to Washington the week of October 17. We're seeking a meeting with the President. I would hope the President would meet with us so that we can give greater visibility to the group. Also I think that it will express in a very public way, President Reagan's concern about the issue.

I also see Mr. Abrams in the audience. I know he's not testifying, but I look forward to a meeting soon with him to discuss this interparliamentary group.

I don't have any questions, except any way that any of you can help us in this effort, I would very much appreciate it, and Senator DeConcini would, too.

Senator SIMPSON. Fine. Thank you very much.

Just one or two other questions, then. In the expansion of the orderly departure program out of Vietnam, how does that work in with our commitment to the Thai Government to reduce the residual refugee population in Thailand? We take larger numbers through ODP from Vietnam, will that reduce the numbers we take from the camp population in Thailand, Malaysia, and Indonesia?

Ambassador DOUGLAS. I would say that it is philosophically and practically quite consistent with the statements that we have made to all the ASEAN countries about continuing in this partnership with them and in resolving the regional refugee situation.

The 50,000 number that we have recommended, Senator, includes our best estimate of what will be within the U.S. guidelines out of the camps in Southeast Asia, those people who want to resettle, plus a 1,000-a-month figure for ODP. I think the Thai Government views the improvements in the orderly departure program in some of the same ways that we do. Namely, the faster it grows, the more secure it becomes, the greater radius within Vietnam of access to the program, the less likely people will be, we hope, to set out in leaky boats and risk their lives, and, therefore, land in first asylum countries.

Senator SIMPSON. What is the number of persons now in Southeast Asia, your figures, in refugee camps who have been found by the United States and other resettlement countries not to qualify as refugees? In other words, the true residue that we must deal with in the international community?

Ambassador DOUGLAS. Senator, I don't have that figure.

Mr. PURCELL. I don't have a precise figure, Senator. I can tell you this past year the INS reviewed and approved approximately 51,000 refugees for admission to this country. The INS figures would indicate that they approved about 74 percent of those refugees whom they consider.

Some number of those may be represented under the new guidelines that have been put into effect in the field. Generally other countries will consider refugees that do not make the U.S. program, but we'll have to get a precise figure and supply that for the record for you, sir.

Senator SIMPSON. Who would have that figure?

Mr. PURCELL. We will be able to get that from our offices in the field, indicating the number of refugees that were considered and approved or denied.

Senator SIMPSON. I would very much appreciate having that.

[The following was subsequently submitted for the record:]

TRANSCRIPT OF THE SENATE JUDICIARY COMMITTEE
HEARING ON REFUGEE CONSULTATION

As of September 30, 1983, there were 176,467 Indochinese refugees registered for resettlement. Of this number, 45,337 were boat arrivals in first asylum; 131,130 were land arrivals in first asylum. By location, the breakdown is as follows:

Korea	32			
Japan	1,719			
Hong Kong	13,462			
Macau	897			
Thailand	140,408	(of which:	Boat Vietnamese	9,278
			Land Vietnamese	624
			Land Khmer	62,206
			Land Lao	68,300
				140,408)
Philippines	2,912			
Malaysia	10,602			
Indonesia	5,753			
Singapore	682			
	176,467			

The above figures do not include the 2,485 Indochinese refugees in the RPC at Galang and the 15,758 Indochinese refugees in the PRPC at Bataan on September 30. These refugees have been accepted for resettlement and are undergoing language training and cultural orientation.

The UNHCR has determined that all 176,467 Indochinese refugees in first asylum in Southeast Asia qualify as

refugees and are in need of resettlement outside the first-asylum countries. Some of these refugees have been found ineligible for resettlement in any major resettlement country; a large number, perhaps as many as 50,000 to 60,000, mostly Lao or Khmer, have not indicated any interest in resettlement outside the area in the hope they may return to their homelands in the future, or are in "closed camps" and not accessible for third-country resettlement consideration. In addition, there are perhaps 15,000 Vietnamese boat refugees who have arrived in first asylum since May 1, 1982, have no ties to the U.S., and are considered to be "new" priority six refugees -- a category the U.S. is not yet considering. Many of these also have no ties to other major resettlement countries and are not readily eligible for resettlement elsewhere. The U.S. continues to press other major resettlement countries to consider this group of refugees.

In FY 1983, 56,532 Indochinese refugees were presented to the U.S. Immigration and Naturalization Service for consideration for admission to the U.S. Of this number, 46,155 or 81.6 percent were approved for U.S. entry; 9,705 or 17.1 percent were denied under Section 101(a)(42) of the Immigration and Nationality Act as not meeting the U.S. definition of a refugee; 535 or .9 percent were denied under other grounds of ineligibility; 137 or .2 percent were deferred for further consideration. Many of those who were denied under Section 101(a)(42) may now be reconsidered under the new INS Guidelines which became effective in early August.

Other major resettlement countries also continue to review their denials overturning some and referring others to other countries for consideration.

For these reasons, the Department is unable to provide data on the numbers of Indochinese refugees now in first asylum who may not ever qualify for resettlement in the U.S. or elsewhere. At present, there is no indication that any of the almost 50,000 Vietnamese in first asylum will either be able to voluntarily return home or remain in first asylum. The U.S. and other major resettlement countries concur that most, if not all, of the Vietnamese refugees must be resettled elsewhere. Perhaps a majority of the some 62,000 Khmer refugees still in first asylum also will need resettlement out of the area. Of the 68,000 plus Laotian refugees, as many as one-quarter to one-third, at least, will need resettlement outside of Southeast Asia. Additional numbers of Lao may need third-country resettlement if the UNHCR is unable to arrange a resumption of voluntary repatriation.

Senator SIMPSON. One final question, we have a recent subcommittee staff report which will come out through the auspices of Mr. Day and Mr. Tinker, suggesting that the displaced persons problem in El Salvador needs attention.

The other day on the floor of the Senate we had an interesting debate on the issue of extended voluntary departure with regard to El Salvadorans which focused some things back. But the displaced person problem is one that I think is critical.

You might share with us what the administration, just briefly if you will, please, what are they prepared to do, what new programs—Senator Kennedy and I added some funds to the Department of State authorization bill last Thursday. Is there a need for more legislation to provide sufficient sums here? Are they prepared to follow the subcommittee staff report about improvements in those areas? In those camps? Would you share that with us, if you could, please.

Mr. PURCELL. Yes; I would be happy to, Senator. The responsibility for displaced persons programs within the executive branch rests with the Agency for International Development.

In 1982, we contributed with AID $6 million to launch a program on behalf of displaced persons. This year we're proposing to continue that. I presently have a letter before the Congress to reprogram approximately $2.5 million for my Bureau's share of that program.

We estimate that there are approximately 400,000 displaced persons in Salvador. We have two projects, one addressing medical conditions, another to provide work for displaced persons families. We will hope to continue our funding this year and will certainly be looking at that program in 1984 for whether additional funding is necessary.

I might mention that this past Thursday we had two efforts to review the budget of my bureau. One, the Senate Appropriations Subcommittee on Foreign Operations proposed a $30 million reduction in my overall level of funding. The Senate Foreign Relations Committee did authorize an additional $10 million for displaced persons in El Salvador, and an additional $25 million for displaced persons and refugees in Lebanon.

So, I will be attempting to try within a substantially reduced funding base to meet these new requirements that have been added to the authorization process.

But I would make the point that the responsibility for these programs rests in AID, but because of the impact that displaced persons have in producing future refugees, we're very sensitive to that, and my bureau has contributed half of the funding that has been made available, even though this is not technically our program. But we'll continue to be sensitive to it.

Senator SIMPSON. Thank you very much, and thank you for your appearance here this morning.

Nice to see you, Ed.

And now the final dual presentation, Alan Nelson, Commissioner of the Immigration and Naturalization Service and Phillip Hawkes, Director of Refugee Resettlement of the Department of Health and Human Services.

Dr. Hawkes, and Commissioner Nelson.

Let me just say, too, that on a day-to-day basis in this role as chairman of this subcommittee, certainly Alan Nelson has been an extraordinary contributor to our efforts, efforts of national understanding, absolutely unselfishly making himself available throughout the United States to describe to the American public the issues of immigration and refugee policy and reform in those areas.

And I deeply appreciate it. Dr. Hawkes has been a very attentive follower of all aspects of this, even with some creative solutions of his own which maybe we'll eventually even get to, hopefully.

So, please proceed.

STATEMENT OF A PANEL CONSISTING OF HON. ALAN NELSON, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, ACCOMPANIED BY PHILLIP HAWKES, DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. NELSON. Mr. Chairman, thank you for the kind remarks, and I certainly appreciate being here with you again on the refugee consultations.

I likewise have a statement that I would like to submit for the record, and I will just briefly summarize the points.

Senator SIMPSON. Without objection, so ordered.

Mr. NELSON. The points that we would stress from the Immigration Service would be some of the interagency activities that have gone on, the cooperation and coordination between those agencies that are appearing before you today, and also some of the items that we have pursued within INS to improve our operations. The several points are as follows:

We did reorganize our own Office of Refugees, Asylum, and Parole, upgraded the Director to the Assistant Commissioner level, an SES position. We've established that unit reporting directly to the Executive Associate Commissioner, which has given greater focus and clearer direction to this work.

We have implemented, or are adopting, a rotation policy for overseas personnel. This is somewhat similar to the policies of the State Department and other Government agencies to insure that we have good personnel overseas.

In that regard, we also have made a number of personnel changes, and, particularly, as the Attorney General indicated, added some personnel. We are moving to eliminate temporary duty staff assignments in favor of an increase in permanent staff. Obviously, this is a more efficient and effective way of dealing with personnel needs.

As part of the personnel efforts we also have improved and expanded our training programs; a lot has been done in the last year. Much more remains to be done, but we are making some good progress in training not only for overseas refugee processing but for domestic asylum processing as well.

You are familiar with the cooperative effort as it was alluded to; we appreciate Senator Hatfield's kind remarks, and those of the Attorney General. I think the work of all the agencies on the National Security Decision Directive 93, and the procedures generated thereby from which we devised new categories and new guidelines,

has been done effectively. There has been good cooperation among the various Government agencies, as well as coordination with the voluntary agencies. A recent meeting in Manila of representatives of the State Department, INS, voluntary agencies and others—field people as well as headquarters people—was a very effective kickoff, I think, for the implementation of these new guidelines. They have now been in effect for a month or so; they seem to be working well. The guidelines are living documents, and certainly the categories thereunder will be modified as circumstances dictate, but we think that they are effective and will satisfy some of the preexist concerns.

One of the concerns expressed by some on the other end of the spectrum is whether this is possibly a change in the case-by-case processing. We reaffirm the case-by-case method. We think it's appropriate, that it's consistent with the Refugee Act, and that the use of categories assists and supplements but does not change the case-by-case approach.

As I have noted, there has been improved cooperation between the various agencies. Ambassador Douglas also made reference to this and to the recent Honolulu meeting attended by representatives of many of the American agencies, as well as by representatives of the other countries he noted.

The asylum area, alluded to by the Attorney General, and addressed by some of your questions, is a major problem area that continues to affect all of us. We at INS, Mr. Chairman, have upgraded the solution of this problem to one of our highest priorities. We have focused on it with the personnel changes indicated. We are working to put more staff resources into it, particularly in those offices having the big bulk of claims. We're attempting to reduce the unacceptably large backlog of cases. We now have doubled our processing for 2 years in a row, to approximately 20,000 cases being processed this fiscal year, which is about equal to or slightly over the number of new receipts.

So we are making progress. There are areas in which we need to work more, for example, cutting out frivolous claims. Efforts are underway in that regard.

Mr. Abrams and I and our staffs have been working together and will continue to work together closely on this area. But, as the Attorney General indicated, the key is certainly the legislative reform for which we know you have pushed so hard and which we hope will be fruitful this year.

So I will close at this time and would be pleased to respond to your questions.

[The material previously referred to follows:]

PREPARED STATEMENT OF HON. ALAN C. NELSON

I am pleased to appear before the Committee today to discuss with you the Administration's proposal for refugee admissions for Fiscal Year 1984.

The Attorney General in his remarks made reference to his trip to Southeast Asia and Europe to observe refugee processing firsthand. It was my privilege to accompany him on that trip. It was also for me a memorable experience and assisted me greatly in directing the Immigration and Naturalization Service's efforts to improve our implementation of the Refugee Act. I would like to review for you some of the actions that we have taken at INS during the past year towards that end, specifically towards providing better staff and more guidance to the field and towards improving interagency cooperation.

First, we have reorganized the Office of Refugee, Asylum and Parole, upgrading its director to the level of an Assistant Commissioner and establishing it as an SES position.

Second, the INS overseas offices now report directly to the Executive Associate Commissioner. This has given focus and clear direction to our work overseas.

Third, we have adopted a rotation policy for our overseas personnel similar to that used by the State Department and other government agencies who have programs overseas.

Fourth, key personnel changes have been made and we are working towards the elimination of our temporary duty staff assignments in favor of an increase in permanent staff overseas. A well-trained, permanent staff dedicated to refugee and asylum work is the most effective and efficient method of handling this sensitive caseload in a professional manner over the long term.

Finally, we have examined our refugee officer training programs closely and are significantly expanding, broadening, and upgrading officer training for overseas and asylum work. In this regard, we are drawing upon the Foreign Service Institute and similar resources.

During our trip it became clear to me that the Immigration and Naturalization Service had not given sufficient priority to the personnel needs and guidance needed in Southeast Asia processing to ensure timely processing and fair and consistent admissions decisions. A special detail of officers and amplified guidance followed; this program, which became known as the "Kamput Program," represents a good example of our efforts to identify and correct problem areas in our refugee operations and served as a very useful prelude to a comprehensive review of our field guidance brought about by National Security Decision Directive #93 (NSDD #93).

NSDD #93 was signed by the President in March of this year. It was the result of an executive branch review of Indochinese refugee policy and processing. It mandated a series of actions intended to improve the refugee program. A major requirement was that the Attorney General determine whether there existed "categories" of persons who, under the Refugee Act of 1980, share common characteristics that identify them as targets of persecution in Laos, Kampuchea, and Vietnam. After examining country condition information provided by the government's intelligence and area experts, the public record relating to those countries, numerous refugee case decisions, and our field officers working with refugee applicants from those countries, the Attorney General concluded, upon INS' recommendation, that certain "categories" of refugees do in fact exist.

The categories are different from those suggested in the Directive and are based on careful analysis of available source information about persecution and the Communist countries of Indochina. The categories will be changed and modified as dictated by circumstances in those countries. The categories for Southeast Asia processing and how to use them have been incorporated into revised guidelines for all overseas refugee processing. The new worldwide guidelines have been forwarded to the Committee earlier and represent the accumulated wisdom of our institutional experience to date in administering the admissions provisions of the Refugee Act of 1980. We view the guidelines as an evolving instrument and will formally review them annually.

I wish to emphasize that the use of categories is consistent with case-by-case processing as set forth in the Office of Legal Counsel opinion of August, 1981. However, categories provide our officers with more specific guidance and thereby result in more effective processing and sound decisions. Our study of "categories" of likely refugees will be continued in 1984, to consider new evidence as it arises in Southeast Asia and to encompass refugees from other parts of the world.

In addition, over the past year we have taken several steps to improve the cooperation among the agencies involved in this vital area. For example, regular meetings are held between representatives of INS, the State Department, and Health and Human Services to ensure program coordination and communication both among respective field and headquarters staffs.

Last month, in a series of meetings in Honolulu and Manila, representatives of voluntary agencies, the State Department, the Department of Justice and INS met to discuss how to make our Southeast Asian refugee program more effective.

The meetings were extremely productive. It is my view that we have taken giant steps during the last year towards improving these crucial working relationships. I believe it is fair to say that the attitude and willingness of many partners involved in this complex program to work together constructively has never been better.

As you well know, our refugee program is worldwide and, as our proposed admissions show, extends to areas far from Southeast Asia. However, because Southeast Asia is our largest program, it receives considerable attention. The improvements made in response to the Southeast Asian problems are being applied in other areas and will be felt in our program around the world.

Beyond overseas processing, the Refugee Act treats asylum adjudications. Asylum has been an area of important concern to the Congress and to the Immigration Service. I would like to take this opportunity to report to you that we have launched a high priority effort to improve the quality of our asylum adjudications and to reduce the unacceptable backlog of cases. Passage of the pending immigration bill would significantly change the nature of asylum case handling. Nevertheless, we are proceeding to do as much as possible to manage this caseload effectively consistent with the possibility of legislation.

Thank you for the opportunity to be before you today. Our refugee program represents a generous and humane tradition of which we are justifiably proud. We appreciate the support and guidance this Committee has provided in upholding that tradition.

Senator SIMPSON. Thank you very much.
Dr. Hawkes.

STATEMENT OF PHILLIP N. HAWKES

Mr. HAWKES. Good morning, Mr. Chairman. I would like to enter my statement into the record, and make a very brief statement, if I may.

Senator SIMPSON. Indeed, please. Without objection, so ordered.

Mr. HAWKES. As you are aware, sir, the Office of Refugee Resettlement in the Department of Health and Human Services funds and coordinates the domestic part of the refugee program. And high on the list of issues that tend to receive significant public attention is the national dependency rate of refugees on assistance. I must say that this dependency rate has not come down as rapidly as we had hoped it would over the last couple of years.

Currently, the national refugee dependence rate average is close to 54 percent. However, the national average is uneven when you consider that for one State the dependency rate is a high of 84 percent. A national average of about 38 percent is achieved. If you take that single State out of the equation.

So, I think nationally the program is coming around quite well in terms of refugee employment. We have some difficult areas that we're targeting extra effort on, and that has been mainly the thrust of the efforts by the Office of Refugee Resettlement over this past year, and will continue to be into the next year.

One area that we are focusing our efforts is directed toward increasing coordination and communication within the program. The Refugee Amendments of 1982 required that quarterly meetings be held in areas where refugees are being resettled among voluntary agencies, service providers and elected officials. Those meetings are beginning to result in a better planning system for refugee resettlement, with more local people taking part in the decisionmaking regarding the numbers of refugees to be resettled in their area.

With regard to the dependency rate, we have a targeted assistance program in which $81 million is being allocated to 40 counties throughout the country, specifically for the purpose of creating or supporting services which will lead to employment and self-sufficiency.

We have also given a number of States discretionary funds to bring mutual assistance associations into the service providing network. Those organizations do a very good job, but are often eliminated from the competitive process because they lack the track record and the proposal writing expertise of some of the more established service providers.

A fourth area that we're working on has to do with placement policy. Again, the Refugee Amendments of 1982 required the implementation of a placement policy, and we've been working with the Department of State and the voluntary agencies to direct refugee free cases away from areas of heavy impact into other areas in the country where there are jobs and available housing.

We have six special favorable sites currently in operation and we are going to go out with a notice to all States to the effect that we would consider additional proposals for favorable site resettlement.

Finally, we're dealing with special needs of specific refugee groups. The Hmong, the Mien, the Lo Men, and others that were resettled in the frenzy of resettlement in 1980 and 1981. Although they are agricultural, pre-literate, almost pre-technological people, these groups were resettled in unlikely places such as downtown Chicago and Los Angeles. We are working with those populations by way of making available technical assistance to States in an effort to fund more appropriate services and to meet some of the needs that they have which are quite different from other refugee groups. One such special need being the sudden death syndrome that occurs mainly among Highland Lao males. In response, we have been working with the Public Health Service to establish a program for treatment of that particular disorder.

There are two other areas of special needs I'd like to mention. One is that many refugees come to the United States as trained health professionals but cannot practice here because they do not meet the technical standards and or because they're not certified to practice in American institutions. We have a project that we're currently funding that will retrain those people, by providing the necessary opportunities for acquiring the English language and the technical background in order to become certified to practice.

Finally, we are focusing on a program which will incorporate some of the mental health aspects of traditional ethnic groups into America's mental health treatment of refugees. Mental health among refugees remains an issue that is critically important. As refugees become self-sufficient, as they start to settle into their new life, they very often begin to suffer the feelings of guilt and displacement that had to do with their originally leaving their country—surviving while so many others didn't. In response, we're intensifying our mental health effort.

Thank you very much.

Senator SIMPSON. Thank you very much.

[The material previously referred to follows:]

Prepared Statement of Phillip N. Hawkes

Mr. Chairman, Members of the Committee, I am pleased to have the opportunity to discuss the domestic aspects of refugee resettlement as part of the Administration's consultations with the Congress regarding refugee admissions for FY 1984.

The overall domestic resettlement program is affected by the Nation's foreign policy decisions on the number of refugees admitted each year. These decisions have direct impact on local communities and on the Federal budget for this program.

There are two major factors which affect the preparation of the refugee domestic assistance budget. One factor is that our budget depends upon the number of new refugee arrivals in both the current and upcoming fiscal years. The second factor is the refugee public assistance dependency rate.

When the budget for FY 1984 was being developed in 1982, it was based on projected refugee admissions of 82,000 -- 10,000 above the level of 72,000 being proposed today -- and on a projected refugee dependency rate of approximately 47%. Based on reports from the States, the dependency rate was approximately 54% last March, as compared with 67% in 1981. The reduction which we have experienced in the dependency rate appears to be largely a result of policy changes implemented in April 1982 which shortened the period of eligibility for special refugee cash and medical assistance from a refugee's first 36 months in the United States to 18 months, while continuing to reimburse States for 36 months for costs they are required to incur under their AFDC, Medicaid, and General Assistance programs. This policy applies to Cuban and Haitian entrants on the same basis as to refugees. Another factor contributing to the decrease in welfare dependency is that refugees experience increasing frequency of employment the longer they remain in the United

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States. As new arrivals decrease, a larger proportion of the refugee population has been here for a longer period. We believe that this time factor, coupled with improvements in the economy and the new initiatives which we have undertaken and proposed for FY 1984, will result in further reductions in refugee dependency. Although we now estimate that the dependency rate will be a few percentage points above the 47% originally projected in our budget for FY 1984, this will be offset by the fewer than expected arrivals in FY 1983 and the proposed admissions level for FY 1984 which is lower than that originally used in our budget formulation. Taking these offsetting factors into account, we estimate that our 1984 budget request will be sufficient to accommodate the proposed admission of 72,000 refugees.

The FY 1984 budget request includes a proposed new program of consolidated (or per capita) grants to States which would replace funding previously designated separately for: Training and social services; targeted assistance for areas of special need; education assistance for children; and cash and medical assistance to refugees who are not categorically eligible under the programs of aid to families with dependent children (AFDC), supplemental security income (SSI), Medicaid, or general assistance (GA).

This funding mechanism is intended to provide States with optimal flexibility in the direction, control, and allocation of resources for the attainment of refugee economic self-sufficiency in the shortest time possible. States would be better able to provide quicker, more effective, and innovative responses to the needs of their refugee populations according to local requirements, situations, problems, or special emergencies. A State would be able to make its own choices as to the use of consolidated grant funds within the broad range of assistance and services permissible under the Refugee Act. For example, under the proposed consolidated grant, each State could determine whether to retain the current 18-month special eligibility and

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benefit levels for refugee cash and medical assistance or to provide for a shorter or longer period if it so determined. A notice of proposed rule-making to implement the consolidated grant program was published in the Federal Register on September 14, with public comments due by October 31.

It is important to emphasize that the FY 1984 budget request for the consolidated grant program does not reduce Federal support for refugees and entrants. The funding level is based on assumptions of reduced arrival levels and therefore on reduced numbers of refugees in the country who are within the statutory limit of 36 months for eligibility for assistance funded through the Federal refugee appropriation. The budget request for the consolidated grant represents the same amount of funding as would have been requested for the separate non-categorical assistance and services under the current budget structure. The consolidated grant will provide States with sufficient funding for assistance to the non-categorically eligible refugees and for education and employment and language training programs.

In FY 1984, ORR will continue to operate the Voluntary Agency Program which provides matching funds on a dollar-for-dollar basis, up to a maximum of $1,000 per refugee, to voluntary agencies for services in resettling certain refugees to help them achieve self-sufficiency without going on welfare.

Let me turn now to the current fiscal year and review some of the accomplishments we have had and activities we have undertaken in the program to improve both refugees' prospects for self-sufficiency and the level of coordination and cooperation among the various participants in this program.

During the past year, private and public participants in the refugee resettlement program have focused on four major areas requiring attention: (1) The continuing high rate of utilization of public cash assistance by refugees; (2) the need to coordinate and manage better the limited resources

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available to the refugee program; (3) the special needs of particular refugee groups who have not received the support services essential to adjustment to American society, and (4) the placement of refugees into communities with already large concentrations of refugees. ORR has taken several steps to address these problems during this fiscal year and plans more for FY 1984.

In order to address the continued high rates of cash assistance use among refugees, the Refugee Assistance Amendments of 1982 imposed new, and strengthened existing, program requirements; (1) Employable refugee assistance recipients are required to register for employment immediately; the previous 60-day statutory exemption was deleted on the recommendation of the Department of Health and Human Services. (2) Employable refugee assistance recipients are required to participate in an appropriate program of job or language training, placing in statute a policy to which ORR had instructed the States to adhere. (3) Immediate termination of assistance is required for refusal to participate in appropriate training or to accept an appropriate job offer, strengthening an existing ORR policy. (4) States are required to notify voluntary refugee resettlement agencies whenever a refugee applies for cash or medical assistance, placing in the statute an ORR policy requirement. (5) Refugee cash assistance to full-time college students is prohibited except when such training is approved by a State under an individual employability plan for the refugee, placing in statute an ORR policy requirement issued in May 1982. The requirements of the 1982 amendments were transmitted to States in October 1982, following their enactment.

In an effort to coordinate and manage better the limited resources in the refugee program, ORR has encouraged States to develop case management systems for refugees who are receiving cash assistance and has provided additional funds in FY 1983 to that end. In addition, ORR has increased its monitoring efforts in this fiscal year and developed detailed monitoring guidelines for reviewing fiscal and program performance under the cash and medical assistance components of the refugee program.

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As you know, we are required by law to consult with States, localities, and voluntary resettlement agencies about the sponsorship process, the intended distribution of refugees, and the capacity of local areas to serve refugees adequately. The refugee placement policy that I mention later on lends impetus for such consultation. Together with the U.S. Coordinator for Refugee Affairs, we have held regional consultation meetings in various cities around the country to focus on specific areas of concern in the program. The main issues of discussion included proposed policy changes in the refugee program, the problems of secondary migration, and priority uses of social services. In addition, a substantial number of State and local consultations have been held as envisioned by the 1982 Amendments, and will continue into FY 1984.

In a broad effort to improve opportunities for refugees and entrants to become employed, $81 million in targeted assistance grants were made to States for special problem areas in FY 1983. These funds are directed toward special problem areas of refugee and entrant concentrations, unemployment, and dependency where special employment-related needs are identifiable. The purpose of the targeted assistance grants is to make available to refugees and entrants, through a process of local planning and implementation, projects and services which are intended to result in economic self-sufficiency and reduced dependency. Funds awarded under this program support projects which increase the ability of refugees and entrants to find and retain jobs. In FY 1984, funds for these same purposes will be made available through the per capita grant program.

ORR continues its commitment to strengthening the role of ethnic organizations in the resettlement process. At the end of FY 1982, three major discretionary projects were initiated that focus on refugee mutual assistance associations (MAAs). First, $117,000 was provided for technical assistance to MAAs for program planning, management, and resource development. Second,

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nearly $400,000 was provided for technical assistance to MAAs regarding business development and management. Third, $790,000 was provided in the form of incentive grants to the States for utilization of MAAs as service providers, particularly in the areas of job orientation and job development, self-sufficiency training, and emergency services. These projects have continued through FY 1983. Discretionary activities such as these will continue to be an allowable activity under the per capita grant program.

In July 1982 the Departments of State and Health and Human Services issued a formal refugee placement policy after consultations with the voluntary resettlement agencies, States and localities. The policy recognized the importance of improving the quality of initial refugee placement and thereby reducing or eliminating many of the incentives for refugees to move from initial resettlement sites. Under this policy, refugees defined as "free cases" -- that is, non-family-reunification cases -- will not be resettled in areas of high impact except under special circumstances.

The placement policy also calls upon ORR -- in consultation with the resettlement agencies, the Department of State and State and local officials -- to identify alternative sites for refugee resettlement which are consistent with certain agreed-upon standards for resettlement. Throughout FY 1982 and FY 1983, ORR and the Bureau for Refugee Programs in the State Department have worked closely with officials in a number of States and localities and with the resettlement agencies to develop a few planned resettlement projects through which groups of refugees could be resettled in areas where local conditions favor their early achievement of self-sufficiency. Four such sites were developed in FY 1982 in two States -- Arizona and North Carolina. About 1,100 refugees are expected to be placed in these sites in FY 1983. Two additional sites have recently been developed in Virginia and are expected to receive about 450 refugees next year. ORR is currently seeking additional favorable alternative sites. We are implementing

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the favorable sites projects in a manner that entails full consultation among affected States and localities, voluntary agencies, mutual assistance associations, and the Department of State on the selection of sites and the nature of the resettlement projects. ORR has also announced the availability of funding for planned secondary resettlement projects which entail the provision of services and assistance to designated groups of refugees who face long-term unemployment in their current locality but for whom an alternate and more favorable locality can be found.

In summary, Mr. Chairman, we believe that the funds requested in our FY 1984 budget will be adequate for the level of admissions being proposed today, and we believe that the proposed admissions level is fully within the capability of the overall resettlement system and its public and private participants.

Thank you. I will be pleased to respond to any questions.

Senator SIMPSON. Thank you very much. I know that the Commissioner has a previous engagement at noon, and so let me direct several questions, get a quick response for the record. I think we need that.

Can you explain to us—and I indicated that we had some discussion of extended voluntary departure issues on the floor of the Senate—what controls or documentation do we have on persons who are granted, this extended voluntary departure status. Will we know whether they leave once hostilities within their own countries have terminated, which is the purpose of the procedure?

Mr. NELSON. Mr. Chairman, certainly up until recently we have had very little capability to identify those who are on extended voluntary departure. That is changing now, as we are beginning to institute a number of our computer programs, one of which is the nonimmigrant information system which does give us—the program is just getting under way—the capability to know the status of those who are processed at ports of entry coming into the country and the capability to keep track of them.

Of course, for those who are coming in illegally, and there is a substantial number, we would not have such controls. But even with the better capability now to have some information as to the percentage of those who are here under extended voluntary departure, just knowing that, of course, is part of the equation. The other is following up on them at such time as the conditions in their countries might have changed. I think the bottom line that I know is of interest to you and the committee is the likelihood of voluntary departure in any significant numbers. And I think this

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goes to Senator Grassley's earlier question. It's probably pretty slim once the people are here, and have been here for a period of time. Conditions in their country might have changed and they could go back, but the likelihood of many of them going back voluntarily we think is fairly slim.

Senator SIMPSON. Are all persons who receive that status given permission to work?

Mr. NELSON. No, it is not automatic. They must ask for it and our understanding is that maybe about a third currently request it. Most of those who do request work authorization who are on extended voluntary departure are approved. But we think only about a third are, in fact, asking for it. It is not automatic.

Senator SIMPSON. Could you just explain briefly how the approach that is mandated in the new guidelines is consistent with the case by case processing? Are those guidelines also being considered for other areas of the world?

Mr. NELSON. Yes, as I mentioned earlier, Mr. Chairman, the guidelines and the categories under them are consistent with case by case processing. We did a lot of work, and many people, including myself, spent a lot of time in the drafting of the guidelines to insure that while the categories can be of assistance to the interviewing officer, they do not make classification automatic. The individual must still be interviewed individually, the credibility of the applicant is still analyzed. The category will assist the interviewing officer to make the determination; clearly, if the person fits within these predetermined categories—and a lot of work went into determining them—then that would be of great assistance. But it does not mean that the person is automatically eligible. We think it is working well from all indications to date.

Now, the other part of your question, as to the expansion of the guidelines, clearly we developed the categories for Southeast Asia, because that is where the large numbers and the most difficult issues are. But the guidelines are world wide; they will apply throughout the world, and we will be looking at potential categories in other areas of the world as we further develop the guidelines.

Senator SIMPSON. A final question. What specifically then has the Service done to improve the quality of asylum adjudication. That was a phrase from your statement. Have you been able to increase the number of cases considered? Does that backlog continue to grow? Just swiftly where we are there.

Mr. NELSON. Well, actually, Mr. Chairman, the backlog has been reduced somewhat. The new applications are down somewhat, and we do not know whether this is a trend or not, but hope so. As I indicated earlier, I think it's a credit to a lot of hard work by our people and others. In fiscal year 1981 we completed processing 5,000 asylum applications. In 1982, that number was 11,000 and in this fiscal year it's 21,000.

So, we have seen substantial increase in the processing, and we are continuing that. As I mentioned earlier, we've elevated asylum to one of our top priorities, and we have upgraded the Office of Refugees Asylum and Parole. We are focusing particularly, I believe, on the eight largest district offices where 80 percent, or there-

abouts, of the asylum cases reside, to exert some management efforts to improve the processing.

As was indicated earlier by the Attorney General, there are a lot of frivolous cases and claims. By establishing some good procedures, we think we can improve that.

A couple of other areas, I think, are worth mentioning. One is that the immigration judges were separated out. Administratively, we think that was a good move. They are seeing some additional resources and attention. We think a lot of improvement can be made downstream within the immigration judge processing.

We think our legal processing within INS and the Department of Justice generally works in this area. Impediments to asylum processing include a lot of the class action suits that have created some real difficulty in processing individual cases. We think we're beginning to see a turnaround there by more effective Government litigation procedures with the result that some of these large cases don't just stop asylum processing, but that we go through with the individual cases.

So, all these things together, we are seeing improvements. But, again I would come back to the final point that without passage of the effective legislation that you are pursuing, we are probably not going to make it just by administrative action.

Senator SIMPSON. Thank you very much. Chuck, do you have any questions?

Senator GRASSLEY. I have a question of Mr. Hawkes. I have no questions for Mr. Nelson. I wanted to take the opportunity, though, to tell you how much I appreicate the last year you've worked so well with my staff and with me. We appreciate it very much.

Mr. NELSON. Thank you, Senator Grassley.

Senator SIMPSON. You are hereby discharged. Thank you very much.

Senator GRASSLEY. Mr. Hawkes, I would like to zero in on how the new funding program might affect States generally, but particularly my State. We've always been supportive of bloc grants and I'm pleased to see that we're moving in that direction. However, I have a concern about how the per-capita-grant formula will impact upon our program in my State.

Currently, we receive $3,950,000 and I think under the new formula we'll only receive $3,560,000. Now we aren't so concerned about that decrease as we are concerned about how flexible we will be able to be in the spending of the money.

In other words, we're very concerned in losing $400,000, if we're going to have the same way of spending it. But if there's going to be some flexibility, then we don't have so much that concern.

And I would say as examples, can this money be allocated between cash and medical assistance and social services as a particular State might see fit. Or, in other words, how close is cash assistance tied to AFDC regulations, and how close is refugee medical assistance tied to title XIX regulations, and will the States have the option to decide how long benefits should be granted?

Iowa has been very successful in obtaining jobs for our refugee population. If the program is flexible, some of the unused portions of the cash assistance could go toward more job development. Cur-

rently we have 730 in refugees in Iowa eligible for cash assistance, but only 230 are receiving it.

I hope that this indicates that at least in Iowa that funds are more appropriately spent in the areas of job development rather than in cash giveaways. Will there be such flexibility?

Mr. HAWKES. Yes, Senator. The program would, first of all, continue to repay or to reimburse you 100 percent for the entitlement part of the refugee program, that is, those refugees that are eligible for AFDC or title XIX will continue to be reimbursed 100 percent.

The bloc grant part of the funds can be used for the purposes of the refugee grant in proportions to be decided by the State. So, it is not necessary to tie the level of refugee cash assistance to the level of aid for families with dependent children; it is not necessary to fund the program for a full 18 months, or at the State's discretion to halt it at 18 months.

The proportions of the bloc grant funds which the State chooses to use for job development, other social services, or cash assistance are up to the State within the guidelines of the Refugee Act.

Senator GRASSLEY. I hope you're indicating increased flexibility.

Mr. HAWKES. Yes.

Senator GRASSLEY. In sum, you're saying we will have more flexibility?

Mr. HAWKES. Yes, you would have a great deal of flexibility. You could, for instance, reduce the refugee cash assistance level substantially, or shorten the period of it and use those funds for other purposes, as you mentioned, such as job development.

Senator GRASSLEY. Thank you, Mr. Chairman.

Senator SIMPSON. Certainly your State of Iowa has had a very extraordinary success in keeping refugees at work and out of the dependency situation. I think that is very real.

I just might ask, do you feel it would be useful to utilize the mutual assistance agencies in the cultural orientation overseas?

Mr. HAWKES. Senator, I don't think so. I think there are two things to discuss here: The use of refugees overseas, and then the use of mutual assistance associations. I think that refugees that have come to the United States, come through our orientation, our English programs, been resettled successfully would be ideal to use as part of that orientation program. I would be a little less enthusiastic, I think, to endorse mutual assistance associations. While MAA's are very good, and they operate very well providing services in this country, there is a great deal of competitiveness among them. Just to say blanketly that MAA's would be a good group of organizations to use would, lead me to be concerned about what portion of that competitiveness might be carried into the camps and how that might affect the orientation programs.

Senator SIMPSON. Do you feel that this additional time that Southeast Asian refugees spend in the English language training and the cultural orientation, is that going to have a positive effect on their ability to achieve self-sufficiency within a shorter period of time while they're here in our country?

Mr. HAWKES. Yes, sir, it does. In fact, the preliminary group of Southeast Asian refugees coming from these extended programs are causing English language programs to be revised.

We don't have a wealth of documentary evidence yet to support this observation, but the general impression that we're getting from people that are working in both cultural orientation and English language training is that the longer period, the longer exposure to both of those areas in the camps is having a very good effect. We would expect that the English achievement level which is also part of an incoming refugees documentation will aid greatly in placing those people in appropriate English classes thereby speeding them through a shorter program once they're resettled.

Senator SIMPSON. Thank you very much. I think that concludes our annual refugee consultation. I thank you very much for your participation and continual interest.

[Whereupon, at 11:53 a.m., the subcommittee was adjourned.]

APPENDIX

[illegible] STATES COORDINATOR
FOR REFUGEE AFFAIRS
WASHINGTON D.C. 20520

September 16, 1983

Dear Senator Simpson:

The annual Congressional consultations on refugee admissions presents an opportunity for the Congress and the Administration to review U. S. refugee policy not only in principle but also in the practice of day-to-day implementation. The FY 1984 consultation documents, which I am sending you today, are the result of discussions with Congressional committees, as well as the Departments of State, Justice, and Health and Human Services, foreign governments, private voluntary organizations, and state and local governments.

Continuing the open spirit of partnership I have sought to maintain with the Congress, I would like to share with you some of my personal observations on developments in American refugee affairs over the past year.

Despite all our efforts over the past year, significant problems persist in the domestic refugee program. Refugee costs remain high, as reflected by welfare dependency rates. The relationship and division-of-labor among the Federal government, state governments, voluntary resettlement agencies, and sponsors remains imperfectly defined. In the absence of a broadly accepted revitalized sense of sponsorship, the refugees are moving more and more into the orbit of entitlement programs under state management. To us, this represents a regression in the traditional idea of refugee sponsorship which is unacceptable to this Administration and to most of the American people as well. We are committed to returning the principal responsibility for the resettlement of refugees to the private sector, albeit with adequate Federal assistance in the early stages. Having recognized the difficult situations we are still facing, I hasten to add that I am not despondent about improvements. Quite the opposite.

In FY 1983, I completed a wide ranging review of our domestic program. This was done through a series of consultations with refugee leaders, state and local government officials, and resettlement agencies. They were asked how we could improve the management of the program. The response was that the basic structure of the Refugee Act is adequate, but

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that the program needs substantive improvements. Issues raised in these local consultations included the need for an assistance support program outside of our public assistance programs, though there was disagreement as to whether such a program should be administered by the states or resettlement agencies. Other issues raised were case-management, targeted assistance, monitoring of resettlement agencies, and further refinement of national placement policy.

I have supported several changes in the past year in an attempt to achieve greater efficiency in our domestic program:

-- working to assure that public cash assistance does not continue to be the primary form of support for refugees during their initial period in the U. S.;

-- greater accountability for the expenditure of public funds managed by the states and the resettlement agencies;

-- improving the degree of cooperation among the Federal government, state governments, and refugee resettlement agencies;

-- strengthening the role of resettlement agencies and private sponsorship, especially during the critical initial stage of resettlement;

-- introducing incentives for refugees to work sooner, and for earlier private sector involvement in hiring refugees; and

-- strengthening refugee community leadership in order to provide a strong community infrastructure for the long-term.

These initiatives have met with resistance in many sectors of the program. I am not surprised. Our national policy and funding patterns provide support to several sectors at the same time, without always clearly specifying operational objectives and measures for accountability. Ours is not a system of sole Federal authority over policy and programmatic decisions. The private voluntary agencies retain a rightful and major role.

States feel themselves essentially powerless to control movements into their jurisdiction and are restricted by categorical program requirements. Many are unwilling to restructure programs to draw more heavily on private sector resources during the initial resettlement phase. Resettlement agencies place too low a priority on testing viable sponsors and are too timid at seeking private sector alternatives to public welfare.

Administration responses to these issues in FY 1983 have included the development of a consolidated grant approach to provide greater flexibility and accountability for state governments, improvements in the cooperative agreement with the resettlement agencies, refinement of national placement policy, and efforts to make the resettlement agencies and local sponsors responsible for refugees for a longer initial period of time. Special projects for refugee groups experiencing particular difficulties were also funded, specifically for refugees from the highlands of Laos. An Interagency Group on Refugee Information was established to coordinate the

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collection, distribution, and reporting of refugee information. Standardized information will be distributed to agencies that have refugee data reporting or analysis requirements to correct current information inconsistencies. While data standardization may sound like an arcane special interest, I am convinced that the effort is essential for improved program-wide management.

In addition to our domestic concerns, refugees continue to influence our foreign policies and strategic interests in many parts of the world. This calls for a complex set of national and international decisions and responses. Consistent with my view of the office, I have undertaken specific initiatives in the international arena as well.

During FY 1983 there have been refugee flows from countries in Africa, East Asia, Eastern Europe, the Soviet Union, the Near East, Southeast Asia, Latin America, and the Caribbean. Many refugees seek temporary asylum in the hope of voluntary repatriation. Others seek resettlement in place. A comparatively small number of refugees require resettlement in third countries.

With regard to Vietnam, we have worked hard during FY 1983 to strengthen and increase the Orderly Departure Program so that increasing numbers of Vietnamese will be able to depart that tortured country safely, rather than flee by boat. It is our intention to continue improvements to the ODP approach and to promote it as a bridge to a safe and compassionate future immigration route for family reunification.

With regard to refugee programs for Africa, we continue to provide financial aid and assistance for care and maintenance through international organizations, and to provide support for voluntary repatriation programs. The majority of Africans resettled in the United States have been Ethiopians, although during FY 1984 they are expected to constitute a smaller percentage of the total number admitted from Africa.

Most of us are aware that over the past year the Soviet Union tightened controls on emigration, resulting in only 1,400 Soviets being admitted to the U.S., of this number 1,100 are Soviet Jews who have elected to resettle in our country. With regard to Polish refugees, 5,600 will be admitted during this fiscal year, as will some 7,000 other East Europeans.

Because of the traditional hospitality of the Latin American countries, only a small number of Latin Americans require resettlement outside the region. In response to a request from the President of El Salvador, the U.S. has approved the admission as refugees of up to 200 Salvadorans released under a special political amnesty program of the Government of El Salvador. Canada, Australia, and other Western countries are also participating in this program.

During FY 1984 we will continue to have significant numbers of Afghans and Iranians eligible for resettlement in the United States.

As part of the Administration's efforts to revive and strengthen international burden sharing for refugee relief and resettlement, the Administration convened a Ministerial-level meeting on refugees with representatives of the United States, Australia, Canada, Japan, and the United Nations High

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Commission for Refugees in Honolulu, Hawaii, in August. This high-level meeting on refugee issues was the first of its kind, and resulted in an agreement of participating government officials on the importance of maintaining significant resettlement efforts for Indochinese refugees during the next 18 months while nonetheless continuing to work for a safe repatriation for tens of thousands who cannot be resettled in another country. The Japanese agreed to work toward increasing the numbers of refugees they would accept, while maintaining their current high level of financial contributions to relief activities in the region. The Government of Japan has also contributed approximately $4.3 million to upgrade the medical, dental, and educational facilities at the Bataan Refugee Processing Center in the Philippines. This important contribution will enhance refugee self-sufficiency and reduce post-arrival costs of refugees in the United States.

The Administration resolved barriers to the admission of Indochinese unaccompanied minors through their inclusion in the Orderly Departure Program, and made major improvements in the health, language, and orientation programs for refugees coming to the United States. A more consistent level of monthly arrivals was achieved, thus decreasing the burden on receiving communities. In addition, there was a tightening of the Department of State's reception and placement cooperative agreements. Also in FY 1983, I convened a major conference with national religious leaders to explore the ethical issues and moral principles underlying U. S. and international responses to worldwide refugee situations. One of the major objectives of this conference was to focus attention on the decline in the quality of refugee sponsorship.

During FY 1983 the President approved the formation of a Senior Interagency Group for Refugee Policy under my chairmanship. The purpose of this body is to provide a forum for improved coordination of foreign and domestic refugee policies.

The world refugee situation continues to require substantial international cooperation and a major commitment to refugee protection, relief, and resettlement. It is in this context that the Administration presents its recommendations for an FY 1984 refugee admissions ceiling of 72,000 refugees worldwide: 3,000 for Africa, 50,000 for East Asia, 12,000 for Eastern Europe and the Soviet Union, 1,000 for Latin America, and 6,000 for the Near East and South Asia.

Much remains to be done. Priorities for FY 1984 will include continued close monitoring of the international arena, and substantially increased emphasis on domestic program and management reforms.

I look forward to working with the Congress to face these realities, and to continue our nation's leadership role in responding to the humanitarian needs of refugees.

Sincerely,

H. Eugene Douglas
Ambassador-at-Large

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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

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[illegible] HOWELL HEFLIN, ALA.
[illegible]

SUBCOMMITTEE ON
IMMIGRATION AND REFUGEE POLICY
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CHARLES E. GRASSLEY, IOWA — EDWARD M. KENNEDY, MASS.
CHARLES MCC. MATHIAS, JR., MD — HOWELL HEFLIN, ALA.
RICHARD W. DAY, CHIEF COUNSEL AND STAFF DIRECTOR
JERRY M. TINKER, MINORITY COUNSEL

September 28, 1983

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The Committee on the Judiciary has now concluded its consultations with your representatives on the recommended refugee admissions for fiscal year 1984.

The Committee believes that the proposed level of refugee admissions for fiscal year 1984 -- 72,000 -- reasonably reflects the existing international refugee situation, and will serve to support our traditional humanitarian commitment to assist victims of persecution throughout the world. We note that the Administration also proposes to make an adjustment to permanent resident status of up to 5,000 asylees during fiscal year 1984 which action will effectively provide a total of 77,000 slots for persanent resettlement in the United States for those who have fled political persecution in their own homelands.

We appreciate the efforts of the Administration in 1983 in: 1) closely monitoring refugee resettlement in order to assure fiscal accountability within the resettlement agencies; 2) reducing secondary migration by improving the quality of initial refugee placement; and 3) encouraging early achievement of refugee self-sufficiency. We look forward to working with the Bureau of Refugee Programs and the Office of Refugee Resettlement to accomplish even greater improvement in 1984.

The Committee was pleased that the interchange of views this year addressed not only refugee admissions, but also the international refugee assistance program. We support the concept that a generous program of humanitarian aid complements a reasonable resettlement effort.

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The Committee emphasizes the importance of the relief assistance provided by the United States to alleviate the misery and suffering of refugees throughout the world. The staff of the Subcommittee on Immigration and Refugee Policy recently filed a report on Refugee Problems in Central America. The report identifies areas of critical need for additional humanitarian assistance in that region, and we strongly recommend the consideration of the report.

Finally, Mr. President, we do wish to express our continued support of your efforts to encourage others in the international community to respond both to the resettlement needs of refugees and to the providing of assistance to refugees; and we applaud the successes you have had in those efforts.

With best personal regards,

Most sincerely,

Strom Thurmond
Chairman

Joseph R. Biden, Jr.
Ranking Minority Member

Alan K. Simpson
Chairman, Subcommittee on
Immigration & Refugee Policy

Edward M. Kennedy
Ranking Minority Member
Subcommittee on Immigration &
Refugee Policy

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THE WHITE HOUSE

WASHINGTON

October 12, 1983

Dear Senator Simpson:

President Reagan has asked me to thank you for your recent letter, cosigned by Senators Thurmond, Biden, and Kennedy, in regard to the recommended refugee admissions for fiscal year 1984.

The President was pleased to hear from you and to receive your words of support for the Administration's efforts. We have taken the liberty of sharing your letter with the appropriate officials, and I assure you that your thoughts and recommendations will continue to be given priority consideration.

Again, many thanks for your counsel and support regarding these important matters.

With best wishes,

Sincerely,

Ken D.

Kenneth M. Duberstein
Assistant to the President

The Honorable Alan K. Simpson
Chairman
Subcommittee on Immigration &
Refugee Policy
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

UNITED STATES COORDINATOR
FOR REFUGEE AFFAIRS
WASHINGTON, D.C. 20520

October 12, 1983

Dear Mr. Chairman:

I have the honor to inform you that the President has formally approved the admission to the United States of up to seventy-two thousand refugees in fiscal year 1984.

A copy of Presidential Determination 83-11 is attached to this letter.

I wish to express the Administration's gratitude for the advice and cooperation extended to us during the consultation process.

Sincerely,

H. Eugene Douglas
Ambassador-at-Large

Enclosure:

As stated.

The Honorable
Alan K. Simpson,
United States Senate.

THE WHITE HOUSE

WASHINGTON

October 7, 1983

Presidential Determination
No. 83-11

MEMORANDUM FOR THE HONORABLE H. EUGENE DOUGLAS
United States Coordinator for
Refugee Affairs

SUBJECT: FY 1984 Refugee Ceilings

In accordance with the relevant statutes and after appropriate consultations with the Congress, I have determined that:

- The admission of up to 72,000 refugees to the United States during FY 1984 is justified by humanitarian concerns or is otherwise in the national interest;

- The 72,000 worldwide refugee admission ceiling shall be allocated among the regions of the world as follows: 50,000 for East Asia; 12,000 for the Soviet Union/Eastern Europe; 6,000 for the Near East/South Asia; 3,000 for Africa; and 1,000 for Latin America/Caribbean; and

- An additional 5,000 refugee admissions numbers shall be made available for the adjustment to permanent residence status of aliens who have been granted asylum in the United States, as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with provisions of the Immigration and Nationality Act and after appropriate consultations with the Congress, I specify that special circumstances exist such that, for the purposes of admission under the limits established above, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

- Persons in Vietnam with past or present ties to the United States; and

- Present and former political prisoners, and persons in imminent danger or loss of life, and their family members, in countries of Latin America and the Caribbean.

You will inform the appropriate committees of the Congress of these determinations.

This memorandum shall be published in the Federal Register.

Ronald Reagan

cc: The Secretary of State
The Attorney General
The Secretary of Health and Human Services

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

STROM THURMOND, S.C., CHAIRMAN
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October 7, 1983

The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

As I indicated in the letter I joined in sending you on September 28th from the Judiciary Committee, I generally concur in your recommended admission levels for refugees in 1984. However, I do have serious concerns over the reduction in total numbers and in the drastic cut in refugee admissions for Latin America -- down to only 1,000 from a modest 2,000 ceiling this past year. I do not believe these reductions reflect the priority we should indicate in dealing with growing refugee problems, particularly in Central America.

While most refugees in Latin America have found asylum in neighboring countries and there has not been, historically, a need for large-scale third country resettlement -- except for Cubans -- that trend is changing. Already we have belatedly joined this year with Canada, Australia and Belgium in resettling from El Salvador several thousand political prisoners. According to the Department of State's report to Congress, and from material presented during the recent consultations, there may be as many as 3,500 political refugees seeking asylum next year from El Salvador alone.

Given the continued need to respond to Cuban refugees, as well as to meet potential refugee problems elsewhere in the region, I do not believe the proposed ceiling of 1,000 admissions for Latin America is realistic. Since there will likely be unused numbers from other regions, particularly from the Soviet Union and Eastern Europe, I strongly urge you to instruct the Department of State to use those numbers, without formal consultations, to meet additional resettlement needs in Latin America, if they arise during the year. Also, I hope you will be prepared to increase overall admissions if conditions require it.

Many thanks for your consideration and best wishes.

Sincerely,

Edward M. Kennedy
Ranking Minority Member

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U.S. House of Representatives
Committee on the Judiciary
Washington, D.C. 20515
Telephone: 202-225-3951

September 23, 1983

The President
The White House
Washington, D. C.

Dear Mr. President:

We have completed the consultative process mandated by P.L. 96-212, the Refugee Act of 1980, with regard to refugee admissions and allocations for FY 1984 as recommended by you and transmitted to us by the U.S. Coordinator for Refugee Affairs, Ambassador H. Eugene Douglas.

Your proposal calls for a ceiling of 72,000 refugees to be allocated as follows: up to 50,000 from East Asia, 12,000 from Eastern Europe/Soviet Union, 6,000 from the Near East/South Asia, 3,000 from Africa and 1,000 from Latin America/Caribbean.

We are pleased to advise you that we interpose no objections to the numbers and allocations as recommended. We, however, wish to reiterate, as in the past, that these numbers should be considered as ceilings rather than goals. Furthermore, should there be any need to reallocate refugee numbers between regions during the fiscal year, we would respectfully request that we be consulted on any such reallocation.

It would be appreciated if the U.S. Coordinator for Refugees would keep us advised on a monthly basis on the progress of the FY 1984 refugee admissions program.

Sincerely,

Peter W. Rodino

PETER W. RODINO, JR.
Chairman
Committee on the Judiciary

DAN LUNGREN
RUSH E. LUNGREN
Ranking Minority Member
Subcommittee on Immigration,
Refugees, and International Law

ROMANO L. MAZZOLI
Chairman
Subcommittee on Immigration,
Refugees, and International Law

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U.S. House of Representatives
Committee on the Judiciary
Washington, D.C. 20515
Telephone: 202-225-3951

September 27, 1983

The President
The White House
Washington, D.C.

Dear Mr. President:

While I generally agree with the views expressed in the letter from the consultative members to you, I wish to make some additional comments with regard to the refugee level set for Latin America and the Caribbean.

I am particularly concerned that the refugee numbers from this region of the world have been reduced from 3,000 during the last fiscal year to 1,000 for this year.

Recognizing the turmoil that currently exists in Central America and the magnitude of the migration now occurring there, I am concerned that the proposed level will not be adequate to meet the demand there.

For this reason, I would request to be kept apprised of the situation in Central America and can assure you that I stand ready to consult on any proposal to increase the refugee levels for Central America should it become necessary.

Sincerely,

ROMANO L. MAZZOLI
Chairman
Subcommittee on Immigration,
Refugees, and International Law

RLM:sej

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[illegible boilerplate committee roster]

U.S. House of Representatives
Committee on the Judiciary
Washington, D.C. 20515
Telephone: 202-225-3951

September 28, 1983

The President
The White House
Washington, D.C.

Dear Mr. President:

After reviewing the Administration's proposal for FY 1984 refugee admissions, I recommend a world-wide ceiling of 83,000 (compared with the proposed 72,000 figure) to allow adjustments in the Administration's suggested allocations for East Asia and Eastern Europe/Soviet Union. An 83,000 figure represents a 7,000 reduction compared with the FY 1983 ceiling of 90,000.

I applaud your policy of attempting over the next two fiscal years, in concert with other receiving nations, to substantially reduce the Indochinese refugee camp population of approximately 192,000. The FY 1984 allocation for East Asia will have to accommodate approximately 15,000 Indochinese refugees who already have been approved (in FY 1983) for admission to the United States but are undergoing recently lengthened English language and cultural orientation training programs abroad. The remaining 35,000 will have to accommodate persons coming under the Orderly Departure Program. The large numbers of refugees in transit, the administrative difficulties in screening refugees earlier in this fiscal year, and the continuing flows of refugees (estimated at 30,000 for next year) justify an allocation of 58,000 for East Asia (compared with the proposed figure of 50,000). A 58,000 allocation represents a 6,000 reduction compared with the FY 1983 allocation of 64,000.

The allocation for Eastern Europe and the Soviet Union, in my judgment, should remain at 15,000 (the FY 1983 allocation) because actual admissions this year have approximated this figure. A lower allocation of 12,000, in my judgment, would reduce the flexibility of our refugee program in that part of the world.

Sincerely,

HAMILTION FISH, JR.
Ranking Minority Member

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